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DEDICATION[1]

TO

CAROLINE LE ROY WEBSTER

MY DEARLY BELOVED WIFE:

I CANNOT allow these volumes to go to the press, without containing a tribute of my affections, and some acknowledgment of the deep interest that you have felt in the productions which they contain. You have witnessed the origin of most of them, not with less concern, certainly, than has been felt by their author; and the degree of favor with which they may now be received by the public will be as earnestly regarded, I am sure, by you as by myself.

The opportunity seems, also, a fit one for expressing the high and warm regard which I ever entertained for your honored father, now deceased, and the respect and esteem which I cherish towards the members of that amiable and excellent family to which you belong.

DANIEL WEBSTER.

[1] Volume III, Edition of 1851.

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Speeches in the Convention to Amend the Constitution of the State of Massachusetts

VOL. V. — 1

Qualifications for Office*

In consequence of the separation of what is now the State of Maine from Massachusetts, in the year 1820, it became necessary to make some change in the constitution of the Commonwealth. The opportunity was thought a favorable one for a general revision of that instrument, which had undergone no amendment since its adoption in 1780. Delegates were accordingly chosen by the people to meet in convention for this purpose, the several towns and districts in the Commonwealth (there were then no cities) being allowed as many delegates as they were respectively entitled to send members to the House of Representatives of the State. Mr. Webster was among the delegates chosen by the town of Boston, and took an active and distinguished part in the business of the convention, both in committee-room and in debate.

As soon as the body was organized by the choice of its officers, the chief provisions of the existing constitution were referred to select committees, instructed to consider and report whether any, and if any, what amendments were desirable to be made in them. The subject of the official oaths and subscriptions required by the sixth chapter of the second part of the constitution was referred to a committee for this purpose, of which Mr. Webster was chairman. A report was made by this committee, recommending that, in lieu of all oaths and subscriptions then required, a simple oath of allegiance to the Commonwealth, together with the oath of office, should be taken by all persons chosen or appointed to office. The most important feature of these proposed changes was, that a profession of belief in the Christian religion was no longer required as a qualification for office.

The resolutions reported by this committee became the subject of a discussion, in the course of which, on the 4th of December, 1820, Mr. Webster made the following remarks: —

* Remarks, made on the 4th of December, 1820, in the Convention of Delegates chosen to revise the Constitution of Massachusetts, upon the Resolution relating to Oaths of Office.

It is obvious that the principal alteration proposed by the first resolution is the omission of the declaration of belief in the Christian religion as a qualification for office in the cases of the governor, lieutenant-governor, councillors, and members of the legislature. I shall content myself on this occasion with stating, shortly and generally, the sentiments of the select committee, as I understand them, on the subject of this resolution.

Two questions naturally present themselves. In the first place, Have the people a right, if in their judgment the security of their government and its due administration demand it, to require a declaration of belief in the Christian religion as a qualification or condition of office? On this question, a majority of the committee held a decided opinion. They thought the people had such a right. By the fundamental principle of popular and elective governments, all office is in the free gift of the people. They may grant or they may withhold it at pleasure; and if it be for them, and them only, to decide whether they will grant office, it is for them to decide, also, on what terms and what conditions they will grant it. Nothing is more unfounded than the notion that any man has a *right* to an office. This must depend on the choice of others, and consequently upon the opinions of others, in relation to his fitness and qualification for office. No man can be said to have a right to that which others may withhold from him at pleasure. There are certain rights, no doubt, which the whole people, or the government as representing the whole people, owe to each individual in return for that obedience and personal service, and those proportionate contributions to the public burdens, which each individual owes to the government. These rights are stated with sufficient accuracy, in the tenth article of the Bill of Rights, in this constitution. "Each individual in society has a right to be protected by it in the enjoyment of his life, liberty, and property, according to the standing laws." Here is no right of *office* enumerated; no right of governing others, or of bearing rule in the State. All bestowment of office remaining in the discretion of the people, they have of course a right to regulate it by any rules which they may deem expedient. Hence the people, by their constitution, prescribe certain qualifications for office, respecting age, property, residence, and taxation. But if office, merely as such, were a *right* which each individual under the social compact

was entitled to claim, all these qualifications would be excluded. Acknowledged rights are not subject, and ought not to be subject, to any such limitation. The right of being protected in life, liberty, and estate is due to all, and cannot be justly denied to any, whatever be their age, property, or residence in the State. These qualifications, then, can only be made requisite as conditions for office, on the ground that *office* is not what any man can demand as matter of right, but rests in the confidence and good-will of those who are to bestow it. In short, it seems to me too plain to be questioned, that the right of office is a matter of discretion, and option, and can never be claimed by any man on the ground of obligation. It would seem to follow, then, that those who confer office may annex any such conditions to it as they think proper. If they prefer one man to another, they may act on that preference. If they regard certain personal qualifications, they may act accordingly, and ground of complaint is given to nobody. Between two candidates, otherwise equally qualified, the people at an election may decide in favor of one because he is a Christian, and against the other because he is not. They may repeat this preference at the next election, on the same ground, and may continue it from year to year.

Now, if the people may, without injustice, act upon this preference, and from a sole regard to this qualification, and refuse in any instance to depart from it, they have an equally clear right to prescribe this qualification beforehand, as a rule for their future government. If they may do it, they may agree to do it. If they deem it necessary, they may so say, beforehand. If the public will may require this qualification at every election as it occurs, the public will may declare itself beforehand, and make such qualification a standing requisite. That cannot be an unjust rule, the compliance with which, in every case, would be right. This qualification has nothing to do with any man's conscience. If he dislike the condition, he may decline the office, in like manner as if he dislike the salary, the rank, or any thing else which the law attaches to it.

But however clear the right may be (and I can hardly suppose any gentleman will dispute it), the *expediency* of retaining the declaration is a more difficult question. It is said not to be necessary, because in this Commonwealth ninety-nine out of

every hundred of the inhabitants profess to believe in the Christian religion. It is sufficiently certain, therefore, that persons of this description, and none others, will ordinarily be chosen to places of public trust. There is as much security, it is said, on this subject, as the necessity of the case requires. And as there is a sort of opprobrium incident to this qualification, — a marking out, for observation and censorious remark, of a single individual, or a very few individuals, who may not be able to make the declaration, — it is an act, if not of injustice, yet of unkindness, and of unnecessary rigor, to call on such individuals to make the declaration, and to exclude them from office if they refuse to do so.

There is also another class of objections, which have been stated. It has been said, that there are many very devout and serious persons, persons who esteem the Christian religion to be above all price, to whom, nevertheless, the terms of this declaration seem somewhat too strong and intense. They seem, to these persons, to require the declaration of that *faith* which is deemed essential to personal salvation; and therefore not at all fit to be adopted as a declaration of belief in Christianity, in a more popular and general sense. It certainly appears to me, that this is a mistaken interpretation of the terms; that they imply only a general assent to the truth of the Christian revelation, and, at most, to the supernatural occurrences which establish its authenticity. There may, however, and there appears to be, *conscience* in this objection; and all conscience ought to be respected. I was not aware, before I attended the discussions in the committee, of the extent to which this objection prevailed.

There is one other consideration to which I will allude, although it was not urged in committee. It is this. This qualification is made applicable only to the executive and the members of the legislature. It would not be easy, perhaps, to say why it should not be extended to the judiciary, if it were thought necessary for any office. There can be no office in which the sense of religious responsibility is more necessary than in that of a judge; especially of those judges who pass, in the last resort, on the lives, liberty, and property of every man. There may be among legislators strong passions and bad passions. There may be party heats and personal bitterness. But legislation is

in its nature general: laws usually affect the whole society; and if mischievous or unjust, the whole society is alarmed, and seeks their repeal. The judiciary power, on the other hand, acts directly on individuals. The injured may suffer, without sympathy or the hope of redress. The last hope of the innocent, under accusation and in distress, is in the integrity of his judges. If this fail, all fails; and there is no remedy, on this side the bar of Heaven. Of all places, therefore, there is none which so imperatively demands that he who occupies it should be under the fear of God, and above all other fear, as the situation of a judge. For these reasons, perhaps, it might be thought that the constitution has not gone far enough, if the provisions already in it were deemed necessary to the public security.

I believe I have stated the substance of the reasons which appeared to have weight with the committee. For my own part, finding this declaration in the constitution, and hearing of no practical evil resulting from it, I should have been willing to retain it, unless considerable objection had been expressed to it. If others were satisfied with it, I should be. I do not consider it, however, essential to retain it, as there is another part of the constitution which recognizes, in the fullest manner, the benefits which civil society derives from those Christian institutions which cherish piety, morality, and religion. I am clearly of opinion, that we should not strike out of the constitution all recognition of the Christian religion. I am desirous, in so solemn a transaction as the establishment of a constitution, that we should keep in it an expression of our respect and attachment to Christianity; — not, indeed, to any of its peculiar forms, but to its general principles.

Basis of the Senate*

I KNOW not, Sir, whether it be probable that any opinions or votes of mine are ever likely to be of more permanent importance, than those which I may give in the discharge of my duties in this body. And of the questions which may arise here, I anticipate no one of greater consequence than the present. I ask leave, therefore, to submit a few remarks to the consideration of the committee.

The subject before us, is the manner of constituting the legislative department of government. We have already decided, that the legislative power shall exist as it has heretofore existed, in two separate and distinct branches, a Senate and a House of Representatives. We propose also, at least I have heard no intimation of a contrary opinion, that these branches shall, in form, possess a negative on each other. I presume I may also take it for granted, that the members of both these houses are to be chosen annually. The immediate question now under discussion is, In what manner shall the senators be elected? They are to be chosen in districts; but shall they be chosen in proportion to the number of inhabitants in each district, or in proportion to the taxable property of each district, or, in other words, in proportion to the part which each district bears in the public burdens of the State. The latter is the existing provision of the constitution; and to this I give my support.

The resolution of the honorable member from Roxbury† proposes to divide the State into certain legislative districts, and

* Remarks made on the 15th of December, 1820, in the Convention, upon the Resolution to divide the Commonwealth into Districts for the Choice of Senators according to Population.

† General Dearborn.

to choose a given number of senators, and a given number of representatives, in each district, in proportion to population. This I understand. It is a simple and plain system. The honorable member from Pittsfield* and the honorable member from Worcester† support the first part of this proposition, that is to say, that part which provides for the choice of senators according to population, without explaining entirely their views as to the latter part, relative to the choice of representatives. They insist that the questions are distinct, and capable of a separate consideration and decision. I confess myself, Sir, unable to view the subject in that light. It seems to me, there is an essential propriety in considering the questions together; and in forming our opinions of them, as parts respectively of one legislative system. The legislature is one great machine of government, not two machines. The two houses are its parts, and its utility will, as it seems to me, depend not merely on the materials of these parts, or their separate construction, but on their accommodation, also, and adaptation to each other. Their balanced and regulated movement, when united, is that which is expected to insure safety to the State; and who can give any opinion on this, without first seeing the construction of both, and considering how they are formed and arranged with respect to their mutual relation? I cannot imagine, therefore, how the member from Worcester should think it uncandid to inquire of him, since he supports this mode of choosing senators, what mode he proposes for the choice of representatives.

It has been said that the constitution, as it now stands, gives more than an equal and proper number of senators to the county of Suffolk. I hope I may be thought to contend for the general principle, without being influenced by any regard to its local application. I do not inquire whether the senators whom this principle brings into the government will come from the county of Suffolk, from the valley of the Housatonic, or the extremity of Cape Cod. I wish to look only to the principle; and as I believe that to be sound and salutary, I shall give my vote in favor of maintaining it.

In my opinion, Sir, there are two questions before the committee. The first is, Shall the legislative department be con-

* Mr. Childs. † Mr. Lincoln.

structed with any other *check* than such as arises simply from dividing the members of this department into two houses? The second is, If such other and further check ought to exist, *in what manner* shall it be created?

If the two houses are to be chosen in the manner proposed by the resolutions of the member from Roxbury, there is obviously no other check or control than a division into separate chambers. The members of both houses are to be chosen at the same time, by the same electors, in the same districts, and for the same term of office. They will of course all be actuated by the same feelings and interests. Whatever motives may at the moment exist to elect particular members of one house, will operate equally on the choice of the members of the other. There is so little of real utility in this mode, that, if nothing more be done, it would be more expedient to choose all the members of the legislature, without distinction, simply as members of the legislature, and to make the division into two houses, either by lot or otherwise, after these members thus chosen should have come up to the capital.

I understand the reason of checks and balances, in the legislative power, to arise from the truth, that, in representative governments, that department is the leading and predominating power; and if its will may be at any time suddenly and hastily expressed, there is great danger that it may overthrow all other powers. Legislative bodies naturally feel strong, because they are numerous, and because they consider themselves as the immediate representatives of the people. They depend on public opinion to sustain their measures, and they undoubtedly possess great means of influencing public opinion. With all the guards which can be raised by constitutional provisions, we are not likely to be too well secured against cases of improper, or hasty, or intemperate legislation. It may be observed, also, that the executive power, so uniformly the object of jealousy to republics, has in the States of this Union been deprived of the greater part both of its importance and its splendor, by the establishment of the general government. While the States possessed the power of making war and peace, and maintained military forces by their own authority, the power of the State executives was very considerable and respectable. It might then even be an object, in some cases, of a just and warranta-

ble jealousy. But a great change has been wrought. The care of foreign relations, the maintenance of armies and navies, and their command and control, have devolved on another government. Even the power of appointment, so exclusively, one would think, an executive power, is, in very many of the States, held or controlled by the legislature; that department either making the principal appointments itself, or else surrounding the chief executive magistrate with a council of its own election, possessing a negative upon his nominations.

Nor has it been found easy, nor in all cases possible, to preserve the judicial department from the progress of legislative encroachment. Indeed, in some of the States, all judges are appointed by the legislature; in others, although appointed by the executive, they are removable at the pleasure of the legislature. In all, the provision for their maintenance is necessarily to be made by the legislature. As if Montesquieu had never demonstrated the necessity of separating the departments of governments; as if Mr. Adams had not done the same thing, with equal ability, and more clearness, in his Defence of the American Constitutions; as if the sentiments of Mr. Hamilton and Mr. Madison were already forgotten; we see, all around us, a tendency to extend the legislative power over the proper sphere of the other departments. And as the legislature, from the very nature of things, is the most powerful department, it becomes necessary to provide, in the mode of forming it, some check which shall insure deliberation and caution in its measures. If all legislative power rested in one house, it is very problematical whether any proper independence could be given, either to the executive or the judiciary. Experience does not speak encouragingly on that point. If we look through the several constitutions of the States, we shall perceive that generally the departments are most distinct and independent where the legislature is composed of two houses, with equal authority, and mutual checks. If all legislative power be in one popular body, all other power, sooner or later, will be there also.

I wish, now, Sir, to correct a most important mistake in the manner in which this question has been stated. It has been said, that we propose to give to property, merely as such, a control over the people, numerically considered. But this I take not to be at all the true nature of the proposition. The Senate

is not to be a check on the people, but on the House of Representatives. It is the case of an authority, given to one agent, to check or control the acts of another. The people, having conferred on the House of Representatives powers which are great, and, from their nature, liable to abuse, require, for their own security, another house, which shall possess an effectual negative on the first. This does not limit the power of the people; but only the authority of their agents. It is not a restraint on their rights, but a restraint on that power which they have delegated. It limits the authority of agents in making laws to bind their principals. And if it be wise to give one agent the power of checking or controlling another, it is equally wise, most manifestly, that there should be some difference of character, sentiment, feeling, or origin in that agent who is to possess this control. Otherwise, it is not at all probable that the control will ever be exercised. To require the consent of two agents to the validity of an act, and yet to appoint agents so similar, in all respects, as to create a moral certainty that what one does the other will do also, would be inconsistent, and nugatory. There can be no effectual control, without some difference of origin, or character, or interest, or feeling, or sentiment. And the great question in this country has been, where to find, or how to create, this difference, in governments entirely elective and popular.

Various modes have been attempted in various States. In some, a difference of qualification has been required in the persons to be elected. This obviously produces little or no effect. All property qualification, even the highest, is so low, as to produce no exclusion, to any extent, in any of the States. A difference of age in the persons elected is sometimes required; but this is found to be equally unimportant. Neither has it happened, that any consideration of the relative rank of the members of the two houses has had much effect on the character of their constituent members. Both in the State governments, and in the United States government, we daily see persons elected into the House of Representatives who have been members of the Senate. Public opinion does not attach so much weight and importance to the distinction, as to lead individuals greatly to regard it. In some of the States, a different sort of qualification in the electors is required for the two houses; and this is

probably the most proper and efficient check. But such has not been the provision in this Commonwealth, and there are strong objections to introducing it. In other cases, again, there is a double election for senators; electors being first chosen, who elect senators. Such is the case in Maryland, where the senators are elected for five years, by electors appointed in equal numbers by the counties; a mode of election not unlike that of choosing representatives in the British Parliament for the boroughs of Scotland. In this State, the qualification of the voters is the same for the two houses, and there is no essential difference in that of the persons chosen. But, in apportioning the Senate to the different districts of the State, the present constitution assigns to each district a number proportioned to its public taxes. Whether this be the best mode of producing a difference in the construction of the two houses, is not now the question; but the question is, whether this be better than no mode.

The gentleman from Roxbury called for authority on this subject. He asked, what writer of reputation had approved the principle for which we contend. I should hope, Sir, that, even if this call could not be answered, it would not necessarily follow that the principle should be expunged. Governments are instituted for practical benefit, not for subjects of speculative reasoning merely. The best authority for the support of a particular principle or provision in government is experience; and of all experience, our own, if it have been long enough to give the principle a fair trial, should be most decisive. This provision has existed for forty years, and while so many gentlemen contend that it is wrong in theory, no one has shown that it has been either injurious or inconvenient in practice. No one pretends that it has caused a bad law to be enacted, or a good one to be rejected. To call on us, then, to strike out this provision, because we should be able to find no authority for it in any book on government, would seem to be like requiring a mechanic to abandon the use of an implement, which had always answered all the purposes designed by it, because he could find no model of it in the patent-office.

But, Sir, I take the *principle* to be well established, by writers of the greatest authority. In the first place, those who have treated of natural law have maintained, as a principle of that law, that, as far as the object of society is the protection of

something in which the members possess unequal shares, it is just that the weight of each person in the common councils should bear a relation and proportion to his interest. Such is the sentiment of Grotius, and he refers, in support of it, to several institutions among the ancient states.

Those authors who have written more particularly on the subject of political institutions have, many of them, maintained similar sentiments. Not, indeed, that every man's power should be in exact proportion to his property, but that, in a general sense, and in a general form, property, as such, should have its weight and influence in political arrangement. Montesquieu speaks with approbation of the early Roman regulation, made by Servius Tullius, by which the people were distributed into classes, according to their property, and the public burdens apportioned to each individual according to the degree of power which he possessed in the government. By this regulation, he observes, some bore with the greatness of their tax because of their proportionable participation in power and credit; others consoled themselves for the smallness of their power and credit by the smallness of their tax. One of the most ingenious of political writers is Mr. Harrington, an author not now read so much as he deserves. It is his leading object, in his Oceana, to prove, that power *naturally* and *necessarily* follows property. He maintains that a government founded on property is legitimately founded; and that a government founded on the disregard of property is founded in injustice, and can only be maintained by military force. "If one man," says he, "be sole landlord, like the Grand Seignior, his empire is absolute. If a few possess the land, this makes the Gothic or feudal constitution. If the *whole people* be landlords, then is it a commonwealth." "It is strange," says an ingenious person in the last century, "that Harrington should be the first man to find out so evident and demonstrable a truth as that of property being the true basis and *measure* of power."* In truth, he was not the first. The idea is as old as political science itself. It may be found in Aristotle, Lord Bacon, Sir Walter Raleigh, and other writers. Harrington seems, however, to be the first writer who has illustrated and expanded the principle, and given to it the

* Spence's Anecdotes of Books and Men, p. 75.

effect and prominence which justly belong to it. To this sentiment, Sir, I entirely agree. It seems to me to be plain, that, in the absence of military force, political power naturally and necessarily goes into the hands which hold the property. In my judgment, therefore, a republican form of government rests, not more on political constitutions, than on those laws which regulate the descent and transmission of property.

If the nature of our institutions be to found government on property, and that it should look to those who hold property for its protection, it is entirely just that property should have its due weight and consideration in political arrangements. Life and personal liberty are no doubt to be protected by law; but property is also to be protected by law, and is the fund out of which the means for protecting life and liberty are usually furnished. We have no experience that teaches us that any other rights are safe where property is not safe. Confiscation and plunder are generally, in revolutionary commotions, not far before banishment, imprisonment, and death. It would be monstrous to give even the name of government to any association in which the rights of property should not be completely secured. The disastrous revolutions which the world has witnessed, those political thunder-storms and earthquakes which have shaken the pillars of society to their very deepest foundations, have been revolutions against property. Since the honorable member from Quincy* has alluded on this occasion to the history of the ancient states, it would be presumption in me to dwell upon it. It may be truly said, however, I think, that Rome herself is an example of the mischievous influence of the popular power when disconnected with property and in a corrupt age. It is true the arm of Cæsar prostrated her liberty; but Cæsar found his support within her very walls. Those who were profligate and necessitous, and factious and desperate, and capable, therefore, of being influenced by bribes and largesses, which were distributed with the utmost prodigality, outnumbered and outvoted, in the tribes and centuries, the substantial, sober, prudent, and faithful citizens. Property was in the hands of one description of men, and power in those of another; and the balance of the constitution was destroyed. Let it never be

* President Adams.

forgotten that it was the popular magistrates, elevated to office where the bad outnumbered the good, — where those who had not a stake in the commonwealth, by clamor and noise and numbers, drowned the voice of those who had, — that laid the neck of Rome at the feet of her conqueror. When Cæsar, manifesting a disposition to march his army against the capital, approached that little stream which has become so memorable from its association with his history, a decree was proposed in the Senate declaring him a public enemy if he did not disband his troops. To this decree the popular tribunes, the sworn protectors of the people, interposed their negative; and thus opened the high road to Rome, and the gates of the city herself, to the approach of her conqueror.

The English Revolution of 1688 was a revolution in favor of property, as well as of other rights. It was brought about by the men of property for their security; and our own immortal Revolution was undertaken, not to shake or plunder property, but to protect it. The acts of which the country complained were such as violated rights of property. An immense majority of all those who had an interest in the soil were in favor of the Revolution; and they carried it through, looking to its results for the security of their possessions. It was the property of the frugal yeomanry of New England, hard earned, but freely given, that enabled her to act her proper part and perform her full duty in achieving the independence of the country.

I would not be thought, Mr. Chairman, to be among those who underrate the value of military service. My heart beats, I trust, as responsive as any one's, to a soldier's claim for honor and renown. It has ever been my opinion, however, that while celebrating the military achievements of our countrymen in the Revolutionary contest, we have not always done equal justice to the merits and the sufferings of those who sustained, on their property, and on their means of subsistence, the great burden of the war. Any one, who has had occasion to be acquainted with the records of the New England towns, knows well how to estimate those merits and those sufferings. Nobler records of patriotism exist nowhere. Nowhere can there be found higher proofs of a spirit that was ready to hazard all, to pledge all, to sacrifice all, in the cause of the country. Instances were not infrequent, in which small freeholders parted with their last hoof, and the

last measure of corn from their granaries, to supply provisions for the troops, and hire service for the ranks. The voice of Otis and of Adams in Faneuil Hall found its full and true echo in the little councils of the interior towns; and if within the Continental Congress patriotism shone more conspicuously, it did not there exist more truly, nor burn more fervently; it did not render the day more anxious, or the night more sleepless; it sent up no more ardent prayer to God, for succor; and it put forth in no greater degree the fulness of its effort, and the energy of its whole soul and spirit, in the common cause, than it did in the small assemblies of the towns. I cannot, therefore, Sir, agree that it is in favor of society, or in favor of the people, to constitute government with an entire disregard to those who bear the public burdens in times of great exigency. This question has been argued, as if it were proposed only to give an advantage to a few rich men. I do not so understand it. I consider it as giving property, generally, a representation in the Senate, both because it is just that it should have such representation, and because it is a convenient mode of providing that *check* which the constitution of the legislature requires. I do not say that such check might not be found in some other provision; but this is the provision already established, and it is, in my opinion, a just and proper one.

I will beg leave to ask, Sir, whether property may not be said to deserve this portion of respect and power in the government? It pays, at this moment, I think, five sixths of all the public taxes; one sixth only being raised on persons. Not only, Sir, do these taxes support those burdens which all governments require, but we have, in New England, from early times held property to be subject to another great public use; I mean the support of schools. Sir, property, and the power which the law exercises over it for the purpose of instruction, are the basis of the system. It is entitled to the respect and protection of government, because, in a very vital respect, it aids and sustains government. The honorable member from Worcester, in contending for the admission of the mere popular principle in all branches of the government, told us, that our system rested on the intelligence of the community. He told us truly. But allow me, Sir, to ask the honorable gentleman, what, but property, supplies the means of that intelli-

gence? What living fountain feeds this ever-flowing, ever-refreshing, ever-fertilizing stream of public instruction and general intelligence? If we take away from the towns the power of assessing taxes on property, will the school-houses remain open? If we deny to the poor the benefit which they now derive from the property of the rich, will their children remain on their forms, or will they not, rather, be in the streets, in idleness and in vice?

I might ask again, Sir, how is it with religious instruction? Do not the towns and parishes raise money by vote of the majority, assessed on property, for the maintenance of religious worship? Are not the poor as well as the rich benefited by the means of attending on public worship, and do they not equally with the rich possess a voice and vote in the choice of the minister, and in all other parish concerns? Does any man, Sir, wish to try the experiment of striking out of the constitution the regard which it has hitherto maintained for property, and of foregoing also the extraordinary benefit which society among us for near two centuries has derived from laying the burden of religious and literary instruction of all classes upon property? Does any man wish to see those only worshipping God who are able to build churches and maintain ministers for themselves, and those children only educated whose parents possess the means of educating them? Sir, it is as unwise as it is unjust to make property an object of jealousy. Instead of being, in any just sense, a popular course, such a course would be most injurious and destructive to the best interests of the people. The nature of our laws sufficiently secures us against any dangerous accumulations; and, used and diffused as we have it, the whole operation of property is in the highest degree useful, both to the rich and to the poor. I rejoice, Sir, that every man in this community may call all property his own, so far as he has occasion for it, to furnish for himself and his children the blessings of religious instruction and the elements of knowledge. This heavenly and this earthly light he is entitled to by the fundamental laws. It is every poor man's undoubted birthright, it is the great blessing which this constitution has secured to him, it is his solace in life, and it may well be his consolation in death, that his country stands pledged, by the faith which it has plighted to all its citizens, to protect his children from ignorance, barbarism, and vice.

I will now proceed to ask, Sir, whether we have not seen, and whether we do not at this moment see, the advantage and benefit of giving security to property, by this and all other reasonable and just provisions. The constitution has stood on its present basis forty years. Let me ask, What State has been more distinguished for wise and wholesome legislation? I speak, Sir, without the partiality of a native, and also without intending the compliment of a stranger; and I ask, What example have we had of better legislation? No violent measures affecting property have been attempted. Stop laws, suspension laws, tender laws, all the tribe of these arbitrary and tyrannical interferences between creditor and debtor, which, wheresoever practised, generally end in the ruin of both, are strangers to our statute-book. An upright and intelligent judiciary has come in aid of wholesome legislation; and general security for public and private rights has been the result. I do not say that this is peculiar, I do not say that others have not done as well. It is enough that, in these respects, we shall be satisfied that we are not behind our neighbors. No doubt, Sir, there are benefits of every kind, and of great value, in an organization of government, both in legislative and judicial administration, which well secures the rights of property; and we should find it so, by unfortunate experience, should that character be lost. There are millions of personal property now in this Commonwealth which are easily transferable, and would be instantly transferred elsewhere, if any doubt existed of its entire security. I do not know how much of this stability of government, and of the general respect for it, may be fairly imputed to this particular mode of organizing the Senate. It has, no doubt, had some effect. It indicates a respect for the rights of property, and may have operated on opinion as well as upon measures. Now to strike out and obliterate it, as it seems to me, would be in a high degree unwise and improper.

As to the *right* of apportioning senators upon this principle, I do not understand how there can be a question about it. All government is a modification of general principles and general truths, with a view to practical utility. Personal liberty, for instance, is a clear right, and is to be provided for; but it is not a clearer right than the right of property, though it may be more important. It is, therefore, entitled to protection. But property

is also to be protected; and when it is remembered how great a portion of the people of this State possess property, I cannot understand how its protection or its influence is hostile to their rights and privileges. For these reasons, Sir, I am in favor of maintaining that check, in the constitution of the legislature, which has so long existed there.

I understand the gentleman from Worcester* to be in favor of a check, but it seems to me he would place it in the wrong house. Besides, the sort of check he proposes appears to me to be of a novel nature, as a balance in government. He proposes to choose the senators according to the number of inhabitants; and to choose representatives, not according to that number, but in proportions greatly unequal in the town corporations. It has been stated to result from computation, and I do not understand it to be denied, that, on his system, a majority of the representatives will be chosen by towns not containing one third part of the whole population of the State. I would beg to ask, Sir, on what principle this can stand; especially in the judgment of those who regard population as the only just basis of representation. But, Sir, I have a preliminary objection to this system; which is, that it reverses all our common notions, and constitutes the popular house upon anti-popular principles. We are to have a popular Senate of thirty-six members, and we are to place the check of the system in a House of Representatives of two hundred and fifty members! All money bills are to originate in the House, yet the House is not to be the popular branch. It is to exceed the Senate, seven or eight to one, in point of numbers, yet the Senate is to be chosen on the popular principle, and the House on some other principle.

It is necessary here, Sir, to consider the manner of electing representatives in this Commonwealth, as heretofore practised, the necessity which exists of reducing the present number of representatives, and the propositions which have been submitted for that purpose. Representation by towns or townships (as they might have been originally more properly called) is peculiar to New England. It has existed, however, since the first settlement of the country. These local districts are so small, and of such unequal population, that if every town is to have one rep-

* Mr. Lincoln.

resentative, and larger towns as many more as their population, compared with the smallest town, would numerically entitle them to, a very numerous body must be the consequence, in any large State. Five hundred members, I understand, may now be constitutionally elected to the House of Representatives; the very statement of which number shows the necessity of reduction. I agree, Sir, that this is a very difficult subject. Here are three hundred towns all possessing the right of representation; and representation by towns is an ancient habit of the people. For one, I am disposed to preserve this mode, so far as may be practicable. There is always an advantage in making the revisions of the fundamental law, which circumstances may render necessary, in a manner which does no violence to ancient habits and established rules. I prefer, therefore, a representation by towns, even though it should necessarily be somewhat numerous, to a division of the State into new districts, the parts of which might have little natural connection or little actual intercourse with one another. But I ground my opinion in this respect on fitness and expediency, and the sentiments of the people; not on absolute right. The town corporations, simply as such, cannot be said to have any right to representation; except so far as the constitution creates such right. And this I apprehend to be the fallacy of the argument of the honorable member from Worcester. He contends, that the smallest town has a right to its representative. This is true; but the largest town (Boston) has a right also to fifty. These rights are precisely equal. They stand on the same ground, that is, on the provisions of the existing constitution. The honorable member thinks it quite just to reduce the right of the large town from fifty to ten, and yet that there is no power to affect the right of the small town, either by uniting it with another small town for the choice of a representative, or otherwise. I do not assent to that opinion. If it be right to take away half or three fourths of the representation of the large towns, it cannot be right to leave that of the small towns undiminished. The report of the committee proposes that these small towns shall elect a member every other year, half of them sending one year, and half the next; or else that two small towns shall unite and send one member every year. There is something apparently irregular and anomalous in sending a member every other year; yet, per-

haps, it is no great departure from former habits, because these small towns, being by the present constitution compelled to pay their own members, have not ordinarily sent them oftener, on the average, than once in two years.

The honorable member from Worcester founds his argument on the right of town corporations, as such, to be represented in the legislature. If he only mean that right which the constitution at present secures, his observation is true, while the constitution remains unaltered. But if he intend to say that such right exists prior to the constitution, and independent of it, I ask, Whence is it derived? Representation of the people has heretofore been by towns, because such a mode has been thought convenient. Still it has been the representation of the people. It is no corporate right, to partake in the sovereign power and form part of the legislature. To establish this right, as a corporate right, the gentleman has enumerated the duties of the town corporation; such as the maintenance of public worship, public schools, and public highways; and insists that the performance of these duties gives the town a right to a representative in the legislature. But I would ask, Sir, what possible ground there is for this argument. The burden of these duties falls not on any corporate funds belonging to the towns, but on the people, under assessments made on them individually, in their town meetings. As distinct from their individual inhabitants, the towns have no interest in these affairs. These duties are imposed by general laws; they are to be performed by the people, and if the people are represented in the making of these laws, the object is answered, whether they should be represented in one mode or another.

But, farther, Sir, are these municipal duties rendered to the State, or are they not rather performed by the people of the towns for their own benefit? The general treasury derives no supplies from all these contributions. If the towns maintain religious instruction, it is for the benefit of their own inhabitants; if they support schools, it is for the education of the children of their inhabitants; and if they maintain roads and bridges, it is also for their own convenience. And therefore, Sir, although I repeat that for reasons of expediency I am in favor of maintaining town representation, as far as it can be done with a proper regard to equality of representation, I entirely disagree to the

notion, that every town has a right, which an alteration of the constitution cannot divest, if the general good require such alteration, to have a representative in the legislature.

The honorable member has declared that we are about to disfranchise corporations, and destroy chartered rights. He pronounces this system of representation an outrage, and declares that we are forging chains and fetters for the people of Massachusetts. "Chains and fetters!" This convention of delegates, chosen by the people within this month, and going back to the people, divested of all power, within another month, yet occupying their span of time here, in forging chains and fetters for themselves and their constituents! "Chains and fetters!" A popular assembly of four hundred men combining to fabricate these manacles for the people, and nobody but the honorable member from Worcester with sagacity enough to detect the horrible conspiracy, or honesty enough to disclose it! "Chains and fetters!" An assembly most variously composed, — men of all professions and all parties, of different ages, habits, and associations, — all freely and recently chosen by their towns and districts; yet this assembly, in one short month, contriving to fetter and enslave itself and its constituents! Sir, there are some things too extravagant for the ornament and decoration of oratory; some things too excessive, even for the fictions of poetry; and I am persuaded that a little reflection would satisfy the honorable member, that, when he speaks of this assembly as committing outrages on the rights of the people, and as forging chains and fetters for their subjugation, he does as great injustice to his own character as a correct and manly debater, as he does to the motives and the intelligence of this body.

I do not doubt, Sir, that some inequality exists, in the mode of representatives proposed by the committee. A precise and exact equality is not attainable, in any mode. Look to the gentleman's own proposition. By that, Essex, with twenty thousand inhabitants more than Worcester, would have twenty representatives less. Suffolk, which, according to numbers, would be entitled to twenty, would have, if I mistake not, eight or nine only. Whatever else, Sir, this proposition may be a specimen of, it is hardly a specimen of equality. As to the House of Representatives, my view of the subject is this. Under the present constitution,

the towns have all a right to send representatives to the legislature, in a certain fixed proportion to their numbers. It has been found that the full exercise of this right fills the House of Representatives with too numerous a body. What, then, is to be done? Why, Sir, the delegates of the towns are here assembled, to agree, mutually, on some reasonable mode of reduction. Now, Sir, it is not for one party to stand sternly on its right, and demand all the concession from another. As to right, all are equal. The right which Hull possesses to send one, is the same as the right of Boston to send fifty. Mutual concession and accommodation, therefore, can alone accomplish the purpose of our meeting. If Boston consents, instead of fifty, to send but twelve or fifteen, the small towns must consent, either to be united, in the choice of their representatives, with other small towns, or to send a representative less frequently than every year; or to have an option to do one or the other of these, hereafter, as shall be found most convenient. This is what the report of the committee proposes, and, as far as we have yet learned, a great majority of the delegates from small towns approve the plan. I am willing, therefore, to vote for this part of the report of the committee; thinking it as just and fair a representation, and as much reduced in point of numbers, as can be reasonably hoped for, without giving up entirely the system of representation by towns. It is to be considered also, that, according to the report of the committee, the pay of the members is to be out of the public treasury. Every body must see how this will operate on the large towns. Boston, for example, with its twelve or fourteen members, will pay for fifty. Be it so; it is incident to its property, and not at all an injustice, if proper weight be given to that property, and proper provision be made for its security.

To recur, again, to the subject of the Senate. There is one remark, made by gentlemen on the other side, of which I wish to take notice. It is said, that, if the principle of representation in the Senate by property be correct, it ought to be carried through; whereas, it is limited and restrained by a provision that no district shall be entitled to more than six Senators. But this is a prohibition on the making of great districts, generally; not merely a limitation of the effect of the property principle. It prevents great districts from being made where

the valuation is small, as well as where it is large. Were it not for this, or some similar prohibition, Worcester and Hampshire might have been joined, under the present constitution, and have sent, perhaps, ten or twelve Senators. The limitation is a general one, introduced for general purposes; and if in a particular instance it bears hard on any county, this should be regarded as an evil incident to a good and salutary rule, and ought to be, as I doubt not it will be, quietly borne.

I forbear, Mr. Chairman, to take notice of many minor objections to the report of the committee. The defence of that report, especially in its details, properly belongs to other and abler hands. My purpose in addressing you was, simply, to consider the propriety of providing in one branch of the legislature a real check upon the other. And as I look upon that principle to be of the highest practical importance, and as it has seemed to me that the doctrines contended for would go to subvert it, I hope I may be pardoned for detaining the committee so long.

Independence of the Judiciary*

Regrets are vain for what is past; yet I hardly know how it has been thought to be a regular course of proceeding to go into committee on this subject, before taking up the several propositions which now await their final readings on the president's table. The consequence is, that this question comes on by surprise. The chairman of the select committee is not present; many of the most distinguished members of the convention are personally so situated as not to be willing to take part in the debate, and the first law officer of the government, a member of the committee, happens at this moment to be in a place (the chair of the committee of the whole) which deprives us of the benefit of his observations. Under these circumstances, I had hoped the committee would rise. It has, however, been determined otherwise, and I must therefore beg their indulgence while I make a few observations.

As the constitution now stands, all judges are liable to be removed from office by the governor, with the consent of the council, on the address of the two houses of the legislature. It is not made necessary that the two houses should give any reasons for their address, or that the judge should have an opportunity to be heard. I look upon this as against common right, as well as repugnant to the general principles of the government. The commission of the judge purports to be, on the face of it, during good behavior. He has an interest in his office. To give an authority to the legislature to deprive him of it, without trial or accusation, is manifestly to make the judges dependent on the legislature.

* Remarks made on the 30th of December, 1820, in the Convention, upon a Resolution to make Judicial Officers removable by the Governor and Council upon the Address of two thirds (instead of a majority) of each Branch of the Legislature.

The question is not what the legislature probably will do, but what they may do. If the judges, in fact, hold their offices only so long as the legislature see fit, then it is vain and illusory to say that the judges are independent men, incapable of being influenced by hope or by fear. The tenure of their office is not independent. The general theory and principle of the government are broken in upon, by giving the legislature this power. The departments of government are not equal, coördinate, and independent, while one is thus at the mercy of the others. What would be said of a proposition to authorize the governor or judges to remove a senator or member of the House of Representatives from office? And yet, the general theory of the constitution is to make the judges as independent as members of the legislature.

I know not whether a greater improvement has been made in government than to separate the judiciary from the executive and legislative branches, and to provide for the decision of private rights in a manner wholly uninfluenced by reasons of state, or considerations of party or of policy. It is the glory of the British constitution to have led in the establishment of this most important principle. It did not exist in England before the Revolution of 1688, and its introduction has seemed to give a new character to the tribunals. It is not necessary to state the evils which had been experienced in that country from dependent and timeserving judges. In matters of mere property, in causes of no political or public bearing, they might perhaps be safely trusted; but in great questions concerning public liberty or the rights of the subject, they were, in too many cases, not fit to be trusted at all. Who would now quote Scroggs, or Saunders, or Jeffreys, on a question concerning the right of the habeas corpus, or the right of suffrage, or the liberty of the press, or any other subject closely connected with political freedom? Yet on all these subjects the sentiments of the English judges since the Revolution, of Somers, Holt, Ireby, Jekyl, and others like them, are, in general, favorable to civil liberty, and receive and deserve great attention whenever referred to. Indeed, Massachusetts herself knows, by her own history, what is to be expected from dependent judges. Her own charter was declared forfeited, without a hearing, in a court where such judges sat.

When Charles the Second, and his brother after him, attempted the destruction of chartered rights, both in the kingdom

and out of it, the mode was by judgments obtained in the courts. It is well known, that after the prosecution against the city of London was commenced, and while it was pending, the judges were changed; and Saunders, who had been consulted on the occasion, and had advised the proceeding on the part of the crown, was made chief justice for the very purpose of giving a judgment in favor of the crown; his predecessor being removed to make room for him. But since the Revolution of 1688, an entire new character in this respect has been given to English judicature. The judges have been made independent, and the benefit has been widely and deeply felt. A similar improvement seems to have made its way into Scotland. Before the union of the kingdoms, it cannot be said that there was any judicial independence in Scotland; and the highest names in Scottish jurisprudence have been charged with being under influences which could not, in modern times, be endured. It is even said, that the practice of entails did not extensively exist in Scotland till about the time of the reigns of the last princes of the Stuart race, and that it was then introduced to guard against unjust forfeitures. It is strange, indeed, that this should happen at so late a period, and that a most unnatural and artificial state of property should be owing to the fear of dependent judicatures. I might add here, that the heritable jurisdictions, the greatest almost of all evils connected with the administration of justice, were not abolished in Scotland till about the middle of the last century; so slowly does improvement make progress when opposed by ignorance, prejudice, or interest.

In our own country, it was for years a topic of complaint, before the Revolution, that justice was administered, in some of the Colonies, by judges dependent on the British crown. The Declaration of Independence itself puts forth this as a prominent grievance, among those which justified the Revolution. The British king, it declares, "had made judges dependent on his own will alone, for the tenure of their offices." It was therefore to be expected, that, in establishing their own governments, this important point of the independence of the judicial power would be regarded by the States. Some of them have made greater and others less provision on this subject; the more recent constitutions, I believe, being generally framed with the best guards for judicial independence.

Those who oppose any additional security for the tenure of judicial office have pressed to know what evil has been experienced, what injury has arisen, from the constitution as it is. Perhaps none; but if evils probably may arise, the question is, whether the subject be not so important as to render it prudent to guard against that evil. If evil do arise, we may be sure it will be a great evil; if this power should happen to be abused, the consequences would be most mischievous. It is not a sufficient answer to say that we have as yet felt no inconvenience. We are bound to look to probable future events. We have, too, the experience of other States. Connecticut, having had judges appointed annually, from the time of Charles the Second, in the recent alteration of her constitution has provided, that hereafter they shall hold their office during good behavior, subject to removal on the address of two thirds of each house of the legislature. In Pennsylvania, the judges may be removed, "for any reasonable cause," on the address of two thirds of the two houses. In some of the States, three fourths of each house are required. The new constitution of Maine has a provision, with which I should be content; which is, that no judge shall be liable to be removed by the legislature till the matter of his accusation has been made known to him, and he has had an opportunity of being heard in his defence. This seems no more than common justice; and yet it is much greater than any security which at present exists in the constitution of this Commonwealth. It will be found, if I mistake not, that there are not more than two or three, out of all the States, which have left the tenure of judicial office at the entire pleasure of the legislature.

It cannot be denied, that one great object of written constitutions is to keep the departments of government as distinct as possible; and for this purpose to impose restraints designed to have that effect. And it is equally true, that there is no department on which it is more necessary to impose restraints than the legislature. The tendency of things is almost always to augment the power of that department, in its relation to the judiciary. The judiciary is composed of few persons, and those not such as mix habitually in the pursuits and objects which most engage public men. They are not, or never should be, political men. They have often unpleasant duties to perform,

and their conduct is often liable to be canvassed and censured, where their reasons for it are not known, or cannot be understood. The legislature holds the public purse. It fixes the compensation of all other departments; it applies, as well as raises, all revenue. It is a numerous body, and necessarily carries along with it a great force of public opinion. Its members are public men, in constant contact with one another, and with their constituents. It would seem to be plain enough, that, without constitutional provisions which should be fixed and certain, such a department, in case of excitement, would be able to encroach on the judiciary. Therefore is it, that a security of judicial independence becomes necessary; and the question is, whether that independence be at present sufficiently secured.

The constitution being the supreme law, it follows of course, that every act of the legislature, contrary to that law, must be void. But who shall decide this question? Shall the legislature itself decide it? If so, then the constitution ceases to be a legal, and becomes only a moral restraint on the legislature. If they, and they only, are to judge whether their acts be conformable to the constitution, then the constitution is admonitory or advisory only; not legally binding; because, if the construction of it rest wholly with them, their discretion, in particular cases, may be in favor of very erroneous and dangerous constructions. Hence the courts of law, necessarily, when the case arises, must decide upon the validity of particular acts. These cases are rare, at least in this Commonwealth; but they would probably be less so, if the character of the judiciary were less respectable than it is.

It is the theory and plan of the constitution to restrain the legislature, as well as other departments, and to subject their acts to judicial decision, whenever it appears that such acts infringe constitutional limits. Without this check, no certain limitation could exist on the exercise of legislative power. The constitution, for example, declares, that the legislature shall not suspend the benefit of the writ of habeas corpus, except under certain limitations. If a law should happen to be passed restraining personal liberty, and an individual, feeling oppressed by it, should apply for his habeas corpus, must not the judges decide what is the benefit of habeas corpus intended by the constitution, what it is to suspend it, and whether the acts of

the legislature do, in the given case, conform to the constitution? All these questions would of course arise. The judge is bound by his oath to decide according to law. The constitution is the supreme law. Any act of the legislature, therefore, inconsistent with that supreme law, must yield to it; and any judge, seeing this inconsistency, and yet giving effect to the law, would violate both his duty and his oath. But it is evident that this power, to be useful, must be lodged in independent hands. If the legislature may remove judges at pleasure, assigning no cause for such removal, of course it is not to be expected that they would often find decisions against the constitutionality of their own acts. If the legislature should, unhappily, be in a temper to do a violent thing, it would probably take care to see that the bench of justice was so constituted as to agree with it in opinion.

It is unpleasant to allude to other States for negative examples; yet, if any one were inclined to the inquiry, it might be found that cases had happened in which laws, known to be at best very questionable as to their consistency with the constitution, had been passed; and at the same session, effectual measures taken, under the power of removal by address, to create a new bench. Such a coincidence might be accidental; but the frequent happening of such accidents would destroy the balance of a free government. The history of all the States, I believe, shows the necessity of settled limits to legislative power. There are reasons, entirely consistent with upright and patriotic motives, which, nevertheless, evince the danger of legislative encroachments. The subject is fully treated by Mr. Madison, in some numbers of the Federalist, which well deserve the consideration of the convention.

There is nothing, after all, so important to individuals as the upright administration of justice. This comes home to every man; life, liberty, reputation, property, all depend on this. No government does its duty to the people, which does not make ample and stable provision for the exercise of this part of its powers. Nor is it enough, that there are courts which will deal justly with mere private questions. We look to the judicial tribunal for protection against illegal or unconstitutional acts, from whatever quarter they may proceed. The courts of law, independent judges, and enlightened juries, are citadels of popular

liberty, as well as temples of private justice. The most essential rights connected with political liberty are there canvassed discussed, and maintained; and if it should at any time so happen that these rights should be invaded, there is no remedy but a reliance on the courts to protect and vindicate them. There is danger, also, that legislative bodies will sometimes pass laws interfering with other private rights than those connected with political liberty. Individuals are too apt to apply to the legislative power to interfere with private cases or private property; and such applications sometimes meet with favor and support. There would be no security, if these interferences were not subject to some subsequent constitutional revision, where all parties could be heard, and justice be administered according to the standing laws.

These considerations are among those which, in my opinion, render an independent judiciary equally essential to the preservation of private rights and public liberty. I lament the necessity of deciding this question at the present moment; and should hope, if such immediate decision were not demanded, that some modification of this report might prove acceptable to the committee, since, in my judgment, some provision beyond what exists in the present constitution is necessary.

Speeches in Congress

Bank of the United States*

On the 2d of January, 1815, the bill to incorporate a bank being under consideration, Mr. Webster moved that it be recommitted to a select committee, with instructions to make the following alterations, to wit: —

1. To reduce the capital to twenty-five millions, with liberty to the government to subscribe on its own account five millions.

2. To strike out the thirteenth section.

3. To strike out so much of said bill as makes it obligatory on the bank to lend money to government.

4. To introduce a section providing, that if the bank do not commence its operations within the space of ——— months, from the day of the passing of the act, the charter shall thereby be forfeited.

5. To insert a section allowing interest at the rate of ——— *per cent.* on any bill or note of the bank, of which payment shall have been duly demanded, according to its tenor, and refused; and to inflict penalties on any directors who shall issue any bills or notes during any suspension of specie payment at the bank.

6. To provide that the said twenty-five millions of capital stock shall be composed of five millions of specie, and twenty millions of any of the stocks of the United States bearing an interest of six *per cent.*, or of treasury-notes.

7. To strike out of the bill that part of it which restrains the bank from selling its stock during the war.

In support of this motion the following speech was delivered. The motion did not prevail, but the bill itself was rejected the same day on the third reading. Some of the main principles of these instructions were incorporated into the charter of the late bank, when that charter was granted, the following year; especially those which were more

* A Speech delivered in the House of Representatives of the United States, on the 2d of January, 1815.

particularly designed to insure the payment of the notes of the bank in specie, at all times, on demand.

However the House may dispose of the motion before it, I do not regret that it has been made. One object intended by it, at least, is accomplished. It presents a choice, and it shows that the opposition which exists to the bill in its present state is not an undistinguishing hostility to whatever may be proposed as a national bank, but a hostility to an institution of such a useless and dangerous nature as it is believed the existing provisions of the bill would establish.

If the bill should be recommitted, and amended according to the instructions which I have moved, its principles would be materially changed. The capital of the proposed bank will be reduced from fifty to thirty millions, and will be composed of specie and stocks in nearly the same proportions as the capital of the former Bank of the United States. The obligation to lend thirty millions of dollars to government, an obligation which cannot be fulfilled without committing an act of bankruptcy, will be struck out. The power to suspend the payment of its notes and bills will be abolished, and the prompt and faithful execution of its contracts secured, as far as, from the nature of things, it can be secured. The restriction on the sale of its stocks will be removed, and as it is a monopoly, provision will be made that, if it should not commence its operations in a reasonable time, the grant shall be forfeited. Thus amended, the bill would establish an institution not unlike the last Bank of the United States in any particular which is deemed material, excepting only the legalized amount of capital.

To a bank of this nature I should at any time be willing to give my support, not as a measure of temporary policy or as an expedient for relief from the present poverty of the treasury, but as an institution of permanent interest and importance, useful to the government and country at all times, and most useful in times of commercial prosperity.

I am sure, Sir, that the advantages which would at present result from any bank are greatly overrated. To look to a bank, as a source capable, not only of affording a circulating medium to the country, but also of supplying the ways and means of carrying on the war, especially at a time when the country is

without commerce, is to expect much more than ever will be obtained. Such high-wrought hopes can end only in disappointment. The means of supporting an expensive war are not of quite so easy acquisition. Banks are not revenue. They cannot supply its place. They may afford facilities to its collection and distribution. They may furnish with convenience temporary loans to government, in anticipation of its taxes, and render important assistance, in divers ways, to the general operation of finance. They are useful to the state in their proper place and sphere, but they are not sources of national income.

The streams of revenue must flow from deeper fountains. The credit and circulation of bank paper are the effects rather than the causes of a profitable commerce and a well-ordered system of finance. They are the props of national wealth and prosperity, not the foundations of them. Whoever shall attempt to restore the fallen credit of this country by the establishment of new banks, merely that they may create new paper, and that government may have a chance of borrowing where it has not borrowed before, will find himself miserably deceived. It is under the influence of no such vain hopes that I yield my assent to the establishment of a bank on sound and proper principles. The principal good I expect from it is rather future than present. I do not see, indeed, that it is likely to produce evil at any time. In times to come it will, I hope, be useful. If it were only to be harmless, there would be sufficient reason why it should be supported in preference to such a contrivance as is now in contemplation.

The bank which will be created by the bill, if it should pass in its present form, is of a most extraordinary, and, as I think, alarming nature. The capital is to be fifty millions of dollars; five millions in gold and silver, twenty millions in the public debt created since the war, ten millions in treasury-notes, and fifteen millions to be subscribed by government in stock to be issued for that purpose. The ten millions in treasury-notes, when received in payment of subscriptions to the bank, are to be funded also in United States stocks. The stock subscribed by government on its own account, and the stocks in which the treasury-notes are to be funded, are to be redeemable only at the pleasure of the government. The war stock will be redeemable

according to the terms upon which the late loans have been negotiated.

The capital of the bank, then, will be five millions of specie and forty-five millions of government stocks. In other words, the bank will possess five millions of dollars and the government will owe it forty-five millions. The bank is restrained from selling this debt of government during the war, and government is excused from paying until it shall see fit. The bank is also to be under obligation to loan to government thirty millions of dollars on demand, to be repaid, not when the convenience or necessity of the bank may require, but when debts due to the bank from government are paid; that is, when it shall be the good pleasure of government. This sum of thirty millions is to supply the necessities of government, and to supersede the occasion of other loans. This loan will doubtless be made on the first day of the existence of the bank, because the public wants can admit of no delay. Its condition, then, will be, that it has five millions of specie, if it has been able to obtain so much, and a debt of seventy-five millions, no part of which it can either sell or call in, due to it from government.

The loan of thirty millions to government can only be made by an immediate issue of bills to that amount. If these bills should return, the bank will not be able to pay them. This is certain; and to remedy this inconvenience, power is given to the directors, by the act, to suspend, at their own discretion, the payment of their notes until the President of the United States shall otherwise order. The President will give no such order, because the necessities of government will compel it to draw on the bank till the bank becomes as necessitous as itself. Indeed, whatever orders may be given or withheld, it will be utterly impossible for the bank to pay its notes. No such thing is expected from it. The first note it issues will be dishonored on its return, and yet it will continue to pour out its paper so long as government can apply it in any degree to its purposes.

What sort of an institution, Sir, is this? It looks less like a bank than a department of government. It will be properly the paper-money department. Its capital is government debts; the amount of its issues will depend on government necessities; government, in effect, absolves itself from its own debts to the bank, and, by way of compensation, absolves the bank from its

own contracts with others. This is, indeed, a wonderful scheme of finance. The government is to grow rich, because it is to borrow without the obligation of repaying, and is to borrow of a bank which issues paper without liability to redeem it. If this bank, like other institutions which dull and plodding common sense has erected, were to pay its debts, it must have some limits to its issues of paper, and therefore there would be a point beyond which it could not make loans to government. This would fall short of the wishes of the contrivers of this system. They provide for an unlimited issue of paper in an entire exemption from payment. They found their bank, in the first place, on the discredit of government, and then hope to enrich government out of the insolvency of their bank. With them, poverty itself is the main source of supply, and bankruptcy a mine of inexhaustible treasure. They trust not in the ability of the bank, but in its beggary; not in gold and silver collected in its vaults, to pay its debts, and fulfil its promises, but in its locks and bars, provided by statute, to fasten its doors against the solicitations and clamors of importunate creditors. Such an institution, they flatter themselves, will not only be able to sustain itself, but to buoy up the sinking credit of the government. A bank which does not pay is to guarantee the engagements of a government which does not pay! "John Doe is to become security for Richard Roe." Thus the empty vaults of the treasury are to be filled from the equally empty vaults of the bank, and the ingenious invention of a partnership between insolvents is to restore and reëstablish the credit of both.

Sir, I can view this only as a system of rank speculation and enormous mischief. Nothing in our condition is worse, in my opinion, than the inclination of government to throw itself upon such desperate courses. If we are to be saved, it is not to be by such means. If public credit is to be restored, this is not one of the measures that will help to restore it. If the treasury is exhausted, this bank will not fill it with any thing valuable. If a safe circulating medium be wanted for the community, it will not be found in the paper of such a corporation.

I wish, Sir, that those who imagine that these objects, or any of them, will be effected by such a bank as this, would describe the manner in which they expect it to be done. What is the process which is to produce these results? If it is perceived, it

can be described. The bank will not operate either by miracle or magic. Whoever expects any good from it ought to be able to tell us in what way that good is to be produced. As yet, we have had nothing but general ideas and vague and loose expressions. An indefinite and indistinct notion is entertained, nobody here seems to know on what ground, that this bank is to reanimate public credit, fill the treasury, and remove all the evils that have arisen from the depreciation of the paper of the existing banks.

Some gentlemen, who do not profess themselves to be in all respects pleased with the provisions of the bill, seem to content themselves with an idea that nothing better can be obtained, and that it is necessary to do something. A strong impression that something must be done is the origin of many bad measures. It is easy, Sir, to do something, but the object is to do something useful. It is better to do nothing than to do mischief. It is much better, in my opinion, to make no bank, than to pass the bill as it now is.

The interests to be affected by this measure, the finances, the public credit, and the circulating medium of the country, are too important to be hazarded in schemes like these. If we wish to restore the public credit and to reëstablish the finances, we have the beaten road before us. All true analogy, all experience, and all just knowledge of ourselves and our condition, point one way. A wise and systematic economy, and a settled and substantial revenue, are the means to be relied on; not excessive issues of bank-notes, a forced circulation, and all the miserable contrivances to which political folly can resort, with the idle expectation of giving to mere paper the quality of money. These are all the inventions of a short-sighted policy, vexed and goaded by the necessities of the moment, and thinking less of a permanent remedy than of shifts and expedients to avoid the present distress. They have been a thousand times adopted, and a thousand times exploded as delusive and ruinous, as destructive of all solid revenue, and incompatible with the security of private property.

It is, Sir, sufficiently obvious, that, to produce any benefit, this bank must be so constructed as that its notes shall have credit with the public. The first inquiry, therefore, should be, whether the bills of a bank of this kind will not be immediately

and greatly depreciated. I think they will. It would be a wonder if they should not. This effect will be produced by that excessive issue of its paper which the bank must make in its loan to government. Whether its issues of paper are excessive will depend, not on the nominal amount of its capital, but on its ability to redeem it. This is the only safe criterion. Very special cases may perhaps furnish exceptions, but there is, in general, no security for the credit of paper, but the ability in those who emit to redeem it. Whenever bank-notes are not convertible into gold and silver at the will of the holder, they become of less value than gold and silver. All experiments on this subject have come to the same result. It is so clear, and has been so universally admitted, that it would be waste of time to dwell upon it. The depreciation may not be sensibly perceived the first day, or the first week, it takes place. It will first be discerned in what is called the rise of specie; it will next be seen in the increased price of all commodities. The circulating medium of a commercial community must be that which is also the circulating medium of other commercial communities, or must be capable of being converted into that medium without loss. It must be able, not only to pass in payments and receipts among individuals of the same society and nation, but to adjust and discharge the balance of exchanges between different nations. It must be something which has a value abroad, as well as at home, and by which foreign as well as domestic debts can be satisfied. The precious metals alone answer these purposes. They alone, therefore, are money, and whatever else is to perform the offices of money must be their representative, and capable of being turned into them at will. So long as bank paper retains this quality, it is a substitute for money; divested of this, nothing can give it that character. No solidity of funds, no sufficiency of assets, no confidence in the solvency of banking institutions, has ever enabled them to keep up their paper to the value of gold and silver any longer than they paid gold and silver for it, on demand. This will continue to be the case so long as those metals shall continue to be the standard of value and the general circulating medium among nations.

A striking illustration of this common principle is found in the early history of the Bank of England. In the year 1697, it had been so liberal of its loans, that it was compelled to sus-

pend the payment of its notes. Its paper immediately fell to a discount of near twenty per cent. Yet such was the public opinion of the solidity of its funds, that its stock then sold for one hundred and ten per cent., although no more than sixty per cent. upon the subscription had been paid in. The same fate, as is well known, attended the banks of Scotland, when they adopted the practice of inserting in their notes a clause, giving the banks an option of paying their notes on demand, or six months after demand, with interest. Paper of this sort was not convertible into specie, at the pleasure of the holder; and no conviction of the ability of the bank which issued it could preserve it from depreciation.

The suspension of specie payments by the Bank of England, in 1797, and the consequences which followed, afford no argument to overthrow this general experience. If Bank of England notes were not immediately depreciated on that occasion, depreciation, nevertheless, did ensue. Very favorable causes existed to prevent their sudden depression. It was an old and rich institution. It was known to be under the most discreet and independent management. Government had no control over it, to force it to make loans against its interest or its will. On the contrary, it compelled the government to pay, though with much inconvenience to itself, a very considerable sum which was due to it. The country enjoyed, at that time, an extensive commerce, and a revenue of three hundred millions of dollars was collected and distributed through the bank. Under all these advantages, however, the difference of price between bank-notes and coin became at one time so great, as to threaten the most dangerous consequences. Suppose the condition of England to have been reversed. Suppose that, instead of a prosperous and increasing commerce, she had suffered the ruin of her trade, and that the product of her manufactures had lain upon her hands, as the product of our agriculture now perishes in ours. Does any one imagine that her circulating paper could have existed and maintained any credit, in such a change of her condition? What ought to surprise us is, not that her bank paper was depreciated, but that it was not depreciated sooner and lower than in fact it was. The reason can only be found in that extraordinary combination of favorable circumstances, which never existed before, and is hardly to be expected again. Much less is it to be discovered in our condition at present.

But we have experience nearer home. The paper of all the banks south of New England has become depreciated to an alarming extent. This cannot be denied. The idea that this depreciation exists only at a distance from the banks respectively is unfounded and absurd. It exists everywhere. The rates of exchange, both foreign and domestic, put this point beyond controversy. If a bill of exchange on Europe can be purchased, as it may, twenty per cent. cheaper in Boston than in Baltimore, the reason must be that it is paid for in Boston in money, and in Baltimore in something twenty per cent. less valuable than money. Notwithstanding the depression of their paper, it is not probable that any doubt is entertained of the sufficiency of the funds of the principal banks. Certainly no such doubt is the cause of the fall of their paper; because the depression of the paper of all the banks in any place is, as far as I learn, generally uniform and equal; whereas, if public opinion proceeded at all upon the adequacy or inadequacy of their funds, it would necessarily come to different results in different cases, as some of these institutions must be supposed to be richer than others.

Sir, something must be discovered which has hitherto escaped the observation of mankind, before you can give to paper intended for circulation the value of a metallic currency, any longer than it represents that currency, and is convertible into it, at the will of the holder. The paper of this bank, if you make it, will be depreciated, for the same reason that the paper of other banks that have gone before it, and of those which now exist around us, has been depreciated, because it is not to pay specie for its notes. Other institutions, setting out perhaps on honest principles, have fallen into discredit, through mismanagement or misfortune. But this bank is to begin with insolvency. It is to issue its bills to the amount of thirty millions, when every body knows it cannot pay them. It is to commence its existence in dishonor. It is to draw its first breath in disgrace. The promise contained in the first note it sends forth is to be a false promise, and whoever receives the note is to take it with the knowledge that it is not to be paid according to the terms of it.

But this, Sir, is not all. The framers of this bill have not done their work by halves. They have put the depreciation of the notes of their bank beyond all doubt or uncertainty. They

have made assurance doubly sure. In addition to excessive issues of paper, and the failure to make payments, both which they provide for by law, they make the capital of the bank to consist principally of public stock. If this stock should be sold as in the former Bank of the United States, the evil would be less. But the bank has not the power to sell it, and, for all purposes of enabling it to fulfil its engagements, its funds might as well be at the bottom of the ocean as in government stocks, of which it cannot enforce payment, and of which it cannot dispose. The credit of this institution is to be founded on public funds, not on private property or commercial credit. It is to be a financial, not a commercial bank. Its credit can hardly, therefore, be better at any time than the credit of the government. If the stocks be depreciated, so of course must every thing be which rests on the stocks. It would require extraordinary ingenuity to show how a bank, which is founded on the public debt, is to have any better reputation than the debt itself. It must be some very novel invention which makes the superstructure keep its place after the foundation has fallen. The argument seems to stand thus. The public funds, it is admitted, have little credit; the bank will have no credit which it does not borrow of the funds; but the bank will be in full credit.

If, Sir, we were in a temper to learn wisdom from experience, the history of most of the banks on the continent of Europe might teach us the futility of all these contrivances. Those institutions, like this before us, were established for purposes of finance, not purposes of commerce. The same fortune has happened to them all. Their credit has sunk. Their respective governments go to them for money when they can get it nowhere else; and the banks can relieve their wants only by new issues of their own paper. As this is not redeemed, the invariable consequence of depreciation follows; and this has sometimes led to the miserable and destructive expedient of depreciation of the coin itself. Such are the banks of Petersburg, Copenhagen, Vienna, and other cities of Europe; and while the paper of these government banks has been thus depressed, that of other banks existing in their neighborhood, unconnected with government, and conducting their business on the basis of commercial credit, has retained a value equivalent to that of coin.

Excessive issues of paper, and a close connection with govern-

ment, are the circumstances which of all others are the most certain to destroy the credit of bank paper. If there were no excessive issues, or, in other words, if the bank paid its notes in specie on demand, its connection with government and its interest in the funds would not, perhaps, materially affect the circulation of its paper, although they would naturally diminish the value of its stock. But when these two circumstances exist in the condition of any bank, that it does not pay its notes, and that its funds are in public stocks, and all its operations intimately blended with the operations of government, nothing further need be known, to be quite sure that its paper will not answer the purpose of a creditable circulating medium.

I look upon it, therefore, Sir, as certain, that a very considerable discount will attach itself to the notes of this bank the first day of their appearance; that this discount will continue to increase; and unless Congress should be able to furnish some remedy which is not certain, the paper, in the end, will be worth nothing. If this happens, not only will no one of the benefits proposed be obtained, but evils of the most alarming magnitude will follow. All the horrors of a paper-money system are before us. If we venture on the present expedient, we shall hardly be able to avoid them. The ruin of public affairs and the wreck of private property will ensue.

I would ask, Sir, whether the friends of this measure have well considered what effect it will produce on the revenue of the country? By the provisions of this bill, the notes of this bank are to be received in payment of all taxes and other dues to government. They cannot be refused on account of the depreciation of their value. Government binds itself to receive them at par, although it should be obliged immediately to pay them out at a discount of a hundred per cent. It is certain, then, that a loss in the revenue will be sustained, equal to any depreciation which may take place in this paper; and when the paper shall come to nothing, the revenue of the country will come to nothing along with it. This has happened to other countries where this wretched system has been adopted, and it will happen here. The Austrian government resorted to a similar experiment in a very critical period of its affairs, in 1809, the year of the last campaign between that country and France previous to the coalition. Pressed by the necessities of the occasion, the gov-

ernment caused a large quantity of paper to be issued, which was to be received in imposts and taxes. The paper immediately fell to a depreciation of four for one. The consequence was, that the government lost its revenue, and with it the means of supplying its armies and defending its empire. Is this government now ready, Sir, to put its resources all at hazard, by pursuing a similar course? Is it ready to sacrifice its whole substantial revenue and permanent supplies to an ill-contrived, ill-considered, dangerous, and ruinous project, adopted only as the means of obtaining a little present and momentary relief?

It ought to be considered, also, what effects this bank will produce on other banking institutions already existing, and on the paper which they have issued. The aggregate capital of these institutions is large. The amount of their notes is large, and these notes constitute, at present, in a great portion of the country, the only circulating medium, if they can be called a circulating medium. Whatever affects this paper, either to raise it or depress it lower than it is, affects the interests of every man in the community. It is sufficient on this point to refer to the memorial from the banks of New York. That assures us, that the operation of such a bank as this bill would establish must be to increase the difficulties and distress which the existing banks now experience, and to render it nearly impossible for them to resume the payment of their notes. This is what every man would naturally expect. Paper already depreciated will necessarily be sunk still lower, when another flood of depreciated paper is forced into circulation.

Very recently this government refused to extend the charter of the Bank of the United States, upon the ground that it was unconstitutional for Congress to create banks. Many of the State banks owe their existence to this decision. It was an invitation to the States to incorporate as much banking capital as would answer all the purposes of the country. Notwithstanding what we may now see and hear, it would then have been deemed a gross imputation on the consistency of government, if any man had expressed an expectation, that in five years all these constitutional scruples would be forgotten, all the dangers to political liberty from moneyed institutions disregarded, and a bank proposed upon the most extraordinary principles, with an

unprecedented amount of capital, and with no obligation to fulfil its contracts. The State banks have not forced themselves in the way of government. They were established, many of them at least, when government had declared its purpose to have no bank of its own. They deserve some regard on their own account, and on account of those particularly concerned in them. But they deserve much more consideration, or account of the quantity of paper which is in circulation, and the interest which the whole community has in it.

Let it also be recollected, Sir, that the present condition of the banks is principally owing to their advances to government. The treasury has borrowed of the banks, or of those who themselves borrowed of the banks, till the banks have become as poor, and almost as much discredited, as the treasury itself. They have depreciated their paper, nearly ruined themselves, and brought the sorest distress on the country, by doing that on a small scale which this bank is to perform on a scale vastly larger. It is almost unpardonable in the conductors of these institutions, not to have foreseen the consequences which have resulted from the course pursued by them. They were all plain and visible. If they have any apology, it is that they were no blinder than the government, and that they yielded to those who would take no denial. It will be altogether unpardonable in us, if, with this as well as all other experience before us, we continue to pursue a system which must inevitably lead us through depreciation of currency, paper-money, tender-laws, and all the contemptible and miserable contrivances of disordered finance and national insolvency, to complete and entire bankruptcy in the end.

I hope the House will recommit the bill for amendment.

The Legal Currency*

A BILL reported by Mr. Calhoun for the restoration of the currency was rejected in the House of Representatives on the 25th of April, 1816. On the 26th, Mr. Webster introduced three resolutions having the same object in view; and in support of them made the following speech. The first two, being declaratory of principles only, were withdrawn at the request of several gentlemen, who were in favor of the third resolution, which contained Mr. Webster's plan for restoring the currency.

It provided that the Secretary of the Treasury should adopt such measures as he might deem necessary, to cause, as soon as might be, all sums of money due to the United States "to be collected and paid in the legal currency of the United States, or treasury-notes, or notes of the Bank of the United States, as by law provided and declared, or in notes of banks which are payable and paid on demand, in the said legal currency of the United States"; and it directed that, after the 20th of February next ensuing, nothing else should be received in payment of the public dues.

This resolution was received with great favor by the House, and passed through all the stages of legislation on the same day (the 26th of April) by a majority of more than two thirds. It was approved by President Madison on the 30th, and was completely successful in restoring a sound currency.

MR. SPEAKER, — I have felt it to be my duty to call the attention of the House once more to the subject of the collection of the revenue, and to present the resolutions which are

* A Speech delivered in the House of Representatives of the United States, on the 26th of April, 1816, on the Collection of the Revenue in the Legal Currency of the Country.

now submitted. I have been the more inclined to do this from an apprehension that the rejection, yesterday, of the bill which had been introduced, may be construed into an abandonment, on the part of the House, of all hope of remedying the existing evil. I have had, it is true, some objections against proceeding by way of bill; because the case is not one in which the law is deficient, but one in which the execution of the law is deficient. The great object, however, is to obtain a decision of this and the other house, that the present mode of receiving the revenue shall not be continued; and as this might be substantially effected by the bill, I had hoped that it might pass. This hope has been disappointed. The bill has been rejected. The House has put its negative upon the only proposition which has been submitted to it, for correcting a state of things which every body knows to exist in plain violation of the Constitution, and in open defiance of the written letter of the law. For one, I can never consent to adjourn, leaving this implied sanction of the House upon all that has taken place, and all that may hereafter take place. I hope not to hear again that there is not now time to act on this question. If other gentlemen consider the question as important as I do, they will not forbear to act on it from any desire, however strong, to bring the session to an early close.

The situation of the country, in regard to its finances and the collection of its revenues, is most deplorable. With a perfectly sound legal currency, the national revenues are not collected in this currency, but in paper of various sorts and various degrees of value. The origin and progress of this evil are distinctly known, but it is not easy to see its duration or its future extent, if an adequate remedy be not soon found. Before the war, the business of the country was conducted principally by means of the paper of the different State banks. As these were in good credit, and paid their notes in gold and silver on demand, no great evil was experienced from the circulation of their paper. Not being, however, a part of the legal money of the country, it could not, by law, be received in the payment of duties, taxes, or other debts to government. But being payable, and hitherto regularly paid, on demand, the collectors and agents of government had generally received it as cash; it had been deposited as cash in the banks which received the deposits

of government, and from them it had been drawn as cash, and paid off to creditors of the public.

During the war this state of things changed. Many of the banks had been induced to make loans to a very great amount to the government. These loans were made by an issue of their own bills. This proceeding threw into circulation an immense quantity of bank paper, in no degree corresponding with the mercantile business of the country, and resting, for its payment and redemption, on nothing but the government stocks, which were held by the banks. The consequence immediately followed, which it would be imputing a great degree of blindness both to the government and to the banks to suggest that they had not foreseen. The excess of paper which was found everywhere created alarm. Demands began to be made on the banks, and they all stopped payment. No contrivance to get money without inconvenience to the people ever had a shorter course of experiment, or a more unequivocal termination. The depreciation of bank-notes was the necessary consequence of a neglect or refusal to pay them, on the part of those who issued them. It took place immediately, and has continued, with occasional fluctuations in the depression, to the present moment. What still further increases the evil is, that this bank paper, being the issue of very many institutions, situated in different parts of the country, and possessing different degrees of credit, the depreciation has not been, and is not now, uniform throughout the United States. It is not the same at Baltimore as at Philadelphia, nor the same at Philadelphia as at New York. In New England, the banks have not stopped payment in specie, and of course their paper has not been depressed at all. But the notes of banks which have ceased to pay specie have, nevertheless, been, and still are, received for duties and taxes, in the places where such banks exist. The consequence of all this is, that the people of the United States pay their duties and taxes in currencies of different values in different places. In other words, taxes and duties are higher in some places than they are in others, by as much as the value of gold and silver is greater than the value of the several descriptions of bank paper which are received by government. This difference in relation to the paper of the District where we now are, is twenty-five per cent. Taxes and duties, therefore, col-

lected in Massachusetts, are one quarter higher than the taxes and duties which are collected, by virtue of the same laws, in the District of Columbia.

By the Constitution of the United States, it is certain that all duties, taxes, and excises ought to be uniform throughout the country; and that no preference should be given, by any regulation of commerce or revenue, to the ports of one State over those of another. This constitutional provision, it is obvious, is flagrantly violated. Duties and taxes are not uniform. They are higher in some places than in others. A citizen of New England pays his taxes in gold and silver, or their equivalent. From his hand the collector will not receive, and is instructed by government not to receive, the paper of the banks which do not pay their notes on demand, and which notes he could obtain twenty or twenty-five per cent. cheaper than that which is demanded of him. Yet a citizen of the Middle States pays his taxes in these notes at par. Can a greater injustice than this be conceived? Can constitutional provisions be disregarded in a more essential point? Commercial preferences also are given, which, if they should be continued, would be sufficient to annihilate the commerce of some cities and some States, while they would greatly promote that of others. The importing merchant of Boston pays the duties upon his goods, either in specie or cash notes, which are at least twenty per cent., or in treasury-notes, which are ten per cent. more valuable than the notes which are paid for duties, at par, by the importing merchant at Baltimore. Surely this is not to be endured. Such monstrous inequality and injustice cannot continue. Since the commencement of this course of things, it can be shown that the people of the Northern States have paid a million of dollars more than their just proportion of the public burdens. A similar inequality, though somewhat less in degree, has fallen upon the States south of the Potomac, in which the paper in circulation, although not equivalent to specie, is yet of higher value than the bank-notes of this District, Maryland, and the Middle States.

But it is not merely the inequality and injustice of this system, if that may be called system which is rather the want of all system, that need reform. It throws the whole revenue into derangement and endless confusion. It prevents the possibility

of order, method, or certainty in the public receipts or disbursements. This mass of depressed paper, thrown out at first in loans to accommodate government, has done little else than embarrass and distress government. It can hardly be said to circulate, but it lies in the channel of circulation, and chokes it up by its bulk and its sluggishness. In a great portion of the country the dues are not paid, or are badly paid; and in an equal portion of the country the public creditors are not paid, or are paid badly.

It is quite clear, that by the statute all duties and taxes are required to be paid in the legal money of the United States, or in treasury-notes, agreeably to recent provisions. It is just as clear, that the law has been disregarded, and that the notes of banks of a hundred different descriptions, and almost as many different values, have been received, and still are received, where the statute requires legal money or treasury-notes to be paid.

In these circumstances, I cannot persuade myself that Congress will adjourn, without attempting something by way of remedy. In my opinion, no greater evil has threatened us. Nothing can more endanger, either the existence and preservation of the public revenue, or the security of private property, than the consequences which are to be apprehended from the present course of things, if they be not arrested by a timely and an effectual interference. Let gentlemen consider what will probably happen, if Congress should rise without the adoption of any measure on the subject.

Virginia, having passed a law for compelling the banks in that State to limit the circulation of their paper, and resume specie payments by the autumn, will, doubtless, repeal it. The States farther to the south will probably fall into a similar relaxation, for it is hardly to be expected that they will have firmness and perseverance enough to persist in their present most prudent and commendable course, without the countenance of the general government. If, in addition to these events, an abandonment of the wholesome system which has thus far prevailed in the Northern States, or any relaxation of that system, should take place, the government is in danger of falling into a condition, from which it will hardly be able to extricate itself for twenty years, if indeed it shall ever be able to extricate itself; and if

that state of things, instead of being changed by the government, shall not change the government.

It is our business to foresee this danger, and to avoid it. There are some political evils which are seen as soon as they are dangerous, and which alarm at once as well the people as the government. Wars and invasions, therefore, are not always the most certain destroyers of national prosperity. They come in no questionable shape. They announce their own approach, and the general security is preserved by the general alarm. Not so with the evils of a debased coin, a depreciated paper currency, or a depressed and falling public credit. Not so with the plausible and insidious mischiefs of a paper-money system. These insinuate themselves in the shape of facilities, accommodation, and relief. They hold out the most fallacious hope of an easy payment of debts, and a lighter burden of taxation. It is easy for a portion of the people to imagine that government may properly continue to receive depreciated paper, because they have received it, and because it is more convenient to obtain it than to obtain other paper or specie. But on these subjects it is that government ought to exercise its own peculiar wisdom and caution. It is supposed to possess, on subjects of this nature, somewhat more of foresight than has fallen to the lot of individuals. It is bound to foresee the evil before every man feels it, and to take all necessary measures to guard against it, although they may be measures attended with some difficulty and not without temporary inconvenience. In my humble judgment, the evil demands the immediate attention of Congress. It is not certain, and in my opinion not probable, that it will ever cure itself. It is more likely to grow by indulgence, while the remedy which must in the end be applied will become less efficacious by delay.

The only power which the general government possesses of restraining the issues of the State banks, is to refuse their notes in the receipts of the treasury. This power it can exercise now, or at least it can provide now for exercising in reasonable time, because the currency of some part of the country is yet sound, and the evil is not universal. If it should become universal, who that hesitates now will then propose any adequate means of relief? If a measure like the bill of yesterday, or the resolutions of to-day, can hardly pass here now,

what hope is there that any efficient measure will be adopted hereafter?

The conduct of the treasury department in receiving the notes of the banks, after they had suspended payment, might, or might not, have been excused by the necessity of the case. That is not now the subject of inquiry. I wish such inquiry had been instituted. It ought to have been. It is of dangerous consequence to permit plain omissions to execute the law to pass off, under any circumstances, without inquiry. It would probably be easier to prove that the treasury must have continued to receive such notes, or that all payments to government would have been suspended, than it would be to justify the previous negotiations of great loans at the banks, which was a voluntary transaction, induced by no particular necessity, and which is, nevertheless, beyond doubt, the principal cause of their present condition. But I have expressed my belief on more than one occasion, and I repeat the opinion, that it was the duty, and in the power, of the Secretary of the Treasury, on the return of peace, to return to the legal and proper mode of collecting the revenue. The paper of the banks rose on that occasion almost to an equality with specie; that was the favorable moment. The banks in which the public money was deposited ought to have been induced to lead the way, by the sale of their government stocks, and other measures calculated to bring about, moderately and gradually, but regularly and certainly, the restoration of the former and only safe state of things. It can hardly be doubted, that the influence of the treasury could have affected all this. If not, it could have withdrawn the deposits and countenance of government from institutions which, against all rule and all propriety, were holding great sums in government stocks, and making enormous profits from the circulation of their own dishonored paper. That which was most wanted was the designation of a time for the corresponding operation of banks in different places. This could have been made by the head of the treasury, better than by any body or every body else. But the occasion was suffered to pass by unimproved, and the credit of the banks soon fell again, when it was found they used none of the means which the opportunity afforded them for enabling them to fulfil their engagements.

As to any power of compulsion to be exercised over the State

banks, they are not subject to the direct control of the general government. It is for the State authorities which created them to decide whether they have acted according to their charters, and if not, what shall be the remedy for their irregularities. But from such of them as continued to receive deposits of public money, government had a right to expect that they would conduct their concerns according to the safe and well-known principles which should properly govern such institutions. It is bound also to collect its taxes of the people on a uniform system. These rights and these duties are too important to be surrendered to the accommodation of any particular interest or any temporary purpose.

The resolutions before the House take no notice of the State banks. They express neither praise nor censure of them. They neither commend them for their patriotism in the loans made to government, nor propose to tax them for their neglect or refusal to pay their debts. They assume no power of interfering with these institutions. They say not one word about compelling them to resume their payments; they leave that to the consideration of the banks themselves, or to those who have a right to call them to account for any misconduct in that respect. But the resolutions declare that taxes ought to be equal; that preferences ought not to be given; that the revenues of the country ought not to be diminished in amount, nor hazarded altogether, by the receipt of varying and uncertain paper; and that the present state of things, in which all these unconstitutional, illegal, and dangerous ingredients are mixed, ought not to exist.

It has been said, that these resolutions may be construed into a justification of the past conduct of the treasury department. Such an objection has been anticipated. It was made, in my opinion, with much more justice to the bill rejected yesterday, and a provision was therefore subsequently introduced into that bill to exclude such an inference. This is certainly not the time to express any justification or approbation of the conduct of that department on this subject, and I trust these resolutions do not imply it. Nor do the resolutions propose to express any censure. A sufficient reason for declining to do either is, that the facts are not sufficiently known. What loss has actually happened, what amount — it is said to be large — may be now in the treasury, in notes which will not pass, or under what

circumstances these were received, is not now sufficiently ascertained.

But before these resolutions are rejected, on the ground that they may shield the treasury department from responsibility, it ought to be clearly shown that they are capable of such a construction. The mere passing of any resolution cannot have that effect. A declaration of what ought to be done does not necessarily imply any sanction of what has been done. It may sometimes imply the contrary. These resolutions cannot be made to imply any more than this, — that the financial affairs of the country are in such a condition that the revenue cannot be instantly collected in legal currency. This they do imply, and this I suppose almost all admit to be true. An instantaneous execution of the law, without warning or notice, could in my opinion produce nothing, in a portion of the country, but an entire suspension of payments.

But to whose fault it is owing that the affairs of the country are reduced to this condition, they do not declare. They do not prevent, or in any degree embarrass, future inquiry on that sub ject. They speak to the fact that the finances are deranged. They say, also, that reformation, though it must be gradual, ought to be immediately begun, and to be carried to perfection in the shortest time practicable. They cannot by any fair construction be made to express the approbation of Congress on the past conduct of any high officer of government; and if the time shall ever come when this House shall deem investigation necessary, it must be a case of very unpromising aspect, and of most fearful issue, which shall afford no other hope of escape than by setting up these resolutions by way of bar to an inquiry.

Nor is it any objection to this measure that inquiry has not first been had. Two duties may be supposed to have rested on the House: the one, to inquire into the origin of the evil, if it needed inquiry; and the other, to find and apply the remedy. Because one of these duties has not hitherto been discharged, is no reason why the other should be longer neglected. While we are deciding which to do first, the time of the session is going by us, and neither may be done. In the mean time, public mischiefs of unknown magnitude and incalculable duration threaten the country. I see no equivalent, no consolation, no mitigation, for these evils in the future responsibility of departments. Let

gentlemen show me any responsibility which will not be a name and a mockery. If, when we meet here again, it shall be found that all the barriers which have hitherto, in any degree, restrained the emissions of a paper money of the very worst sort, have given way, and that the floods have broken in upon us and come over us, — if it shall be found that revenues have failed, that the public credit, now a little propped and supported by a state of peace and commerce, has again tottered and fallen to the ground, and that all the operations of government are at a stand, — what then will be the value of the responsibility of departments? How great, then, the value of inquiry, when the evil is past prevention, when officers may have gone out of place, and when, indeed, the whole administration will necessarily be dissolving by the expiration of the term for which the chief executive magistrate was chosen? I cannot consent to stake the chance of the greatest public mischiefs upon a reliance on any such responsibility. The stakes are too unequal.

As to the opinion advanced by some, that the object of the resolutions cannot in any way be answered, that the revenues cannot be collected otherwise than as they are now, in the paper of any and every banking association which chooses to issue paper, it cannot for a moment be admitted. This would be at once giving up the government; for what is government without revenue, and what is a revenue that is gathered together in the varying, fluctuating, discredited, depreciated, and still falling promissory notes of two or three hundred distinct, and, as to this government, irresponsible banking companies? If it cannot collect its revenues in a better manner than this, it must cease to be a government. This thing, therefore, is to be done; at any rate it is to be attempted. That it will be accomplished by the treasury department, without the interference of Congress, I have no belief. If from that source no reformation came when reformation was easy, it is not now to be expected. Especially after the vote of yesterday, those whose interest it is to continue the present state of things will arm themselves with the authority of Congress. They will justify themselves by the decision of this House. They will say, and say truly, that this House, having taking up the subject and discussed it, has not thought fit so much as to declare that it is expedient ever to relieve the country or its revenues from a paper-money system. Whoever

believes that the treasury department will oppose this tide, aided as it will be by strong feeling and great interest, has more faith in that department than has fallen to my lot. It is the duty of this House to interfere with its own authority. Having taxed the people with no light hand, it is now its duty to take care that the people do not sustain these burdens in vain. The taxes are not borne without feeling. They will not be borne without complaint, if, by mismanagement in collection, their utility to government should be lost, and they should get into the treasury at last only in discredited and useless paper.

A bank of thirty-five millions has been created for the professed purpose of correcting the evils of our circulation, and facilitating the receipts and expenditures of government. I am not so sanguine in the hope of great benefit from this measure as others are. But the treasury is also authorized to issue twenty-five millions of treasury-notes, eighteen or twenty millions of which remain yet to be issued, and which are also allowed by law to be received for duties and taxes. In addition to these is the coin which is in the country, and which is sure to come forth into circulation whenever there is a demand for it. These means, if wisely and skilfully administered, are sufficient to prevent any particular pressure, or great inconvenience, in returning to the legal mode of collecting the revenue. It is true, it may be easier for the people in the States in which the depreciated paper exists to pay their taxes in such paper than in the legal currency of treasury-notes, because they can get it cheaper. But this is only saying that it is easier to pay a small tax than to pay a large one, or that money costs more than that which is less valuable than money, a proposition not to be disputed. But a medium of payment convenient for the people and safe for the government will be furnished, and may everywhere be obtained for a reasonable price. This is all that can justly be expected of Congress. Having provided this, they ought to require all parts of the country to conform to the same measure of justice. If taxes be not necessary, they should not be laid. If laid, they ought to be collected without preference or partiality.

But while some gentlemen oppose the resolutions because they fix a day too near, others think they fix a day too distant. In my own judgment, it is not so material what the time is, as

it is to fix a time. The great object is to settle the question, that our legal currency is to be preserved, and that we are not about to embark on the ocean of paper money. The State banks, if they consult their own interest, or the interest of the community, will dispose of their government stocks, and prepare themselves to redeem their paper and fulfil their contracts. If they should not adopt this course, there will be time for the people to be informed that the paper of such institutions will not answer the demands of government, and that duties and taxes must be paid in the manner provided by law.

I cannot say, indeed, that this measure will certainly produce the desired effect. It may fail. Its success, as is obvious, must essentially depend on the course pursued by the treasury department. But its tendency, I think, will be to produce good. It will, I hope, be a proof that Congress is not regardless of its duty. It will be evidence that this great subject has not passed without notice. It will record our determination to resist the introduction of a most destructive and miserable policy into our system; and if there be any sanction or authority in the Constitution and the law, if there be any regard for justice and equality, if there be any care for the national revenue, or any concern for the public interest, let gentlemen consider whether they will relinquish their seat here before this or some other measure be adopted.

The Revolution in Greece*

THE rise and progress of the revolution in Greece attracted great attention in the United States. Many obvious causes contributed to this effect, and their influence was seconded by the direct appeal made to the people of America, by the first political body organized in Greece after the breaking out of the revolution, viz. "The Messenian Senate of Calamata." A formal address was made by that body to the people of the United States, and forwarded by their committee (of which the celebrated Koray was chairman), to a friend and correspondent in this country. This address was translated and widely circulated; but it was not to be expected that any great degree of confidence should be at once generally felt in a movement undertaken against such formidable odds.

The progress of events, however, in 1822 and 1823, was such as to create an impression that the revolution in Greece had a substantial foundation in the state of affairs, in the awakened spirit of that country, and in the condition of public opinion throughout Christendom. The interest felt in the struggle rapidly increased in the United States. Local committees were formed, animated appeals were made, and funds collected, with a view to the relief of the victims of the war.

On the assembling of Congress, in December, 1823, President Monroe made the revolution in Greece the subject of a paragraph in his annual message, and on the 8th of December Mr. Webster moved the following resolution in the House of Representatives: —

"*Resolved*, That provision ought to be made by law, for defraying the expense incident to the appointment of an Agent or Commissioner to Greece, whenever the President shall deem it expedient to make such appointment."

These, it is believed, are the first official expressions favorable to the independence of Greece uttered by any of the governments of Christendom, and no doubt contributed powerfully towards the creation of that feeling throughout the civilized world which eventually led to the battle

* A Speech delivered in the House of Representatives of the United States on the 19th of January, 1824.

of Navarino, and the liberation of a portion of Greece from the Turkish yoke.

The House of Representatives having, on the 19th of January, resolves itself into a committee of the whole, and this resolution being taken into consideration, Mr. Webster spoke to the following effect.

I AM afraid, Mr. Chairman, that, so far as my part in this discussion is concerned, those expectations which the public excitement existing on the subject, and certain associations easily suggested by it, have conspired to raise, may be disappointed. An occasion which calls the attention to a spot so distinguished, so connected with interesting recollections, as Greece, may naturally create something of warmth and enthusiasm. In a grave, political discussion, however, it is necessary that those feelings should be chastised. I shall endeavor properly to repress them, although it is impossible that they should be altogether extinguished. We must, indeed, fly beyond the civilized world; we must pass the dominion of law and the boundaries of knowledge; we must, more especially, withdraw ourselves from this place, and the scenes and objects which here surround us,—if we would separate ourselves entirely from the influence of all those memorials of herself which ancient Greece has transmitted for the admiration and the benefit of mankind. This free form of government, this popular assembly, the common council held for the common good,—where have we contemplated its earliest models? This practice of free debate and public discussion, the contest of mind with mind, and that popular eloquence, which, if it were now here, on a subject like this, would move the stones of the Capitol,—whose was the language in which all these were first exhibited? Even the edifice in which we assemble, these proportioned columns, this ornamented architecture, all remind us that Greece has existed, and that we, like the rest of mankind, are greatly her debtors.*

But I have not introduced this motion in the vain hope of discharging any thing of this accumulated debt of centuries. I have not acted upon the expectation, that we, who have inherited this obligation from our ancestors, should now attempt to pay it to those who may seem to have inherited from *their* an-

* The interior of the hall of the House of Representatives is surrounded by a magnificent colonnade of the composite order.

cestors a right to receive payment. My object is nearer and more immediate. I wish to take occasion of the struggle of an interesting and gallant people, in the cause of liberty and Christianity, to draw the attention of the House to the circumstances which have accompanied that struggle, and to the principles which appear to have governed the conduct of the great states of Europe in regard to it; and to the effects and consequences of these principles upon the independence of nations, and especially upon the institutions of free governments. What I have to say of Greece, therefore, concerns the modern, not the ancient; the living, and not the dead. It regards her, not as she exists in history, triumphant over time, and tyranny, and ignorance; but as she now is, contending, against fearful odds, for being, and for the common privileges of human nature.

As it is never difficult to recite commonplace remarks and trite aphorisms, so it may be easy, I am aware, on this occasion, to remind me of the wisdom which dictates to men a care of their own affairs, and admonishes them, instead of searching for adventures abroad, to leave other men's concerns in their own hands. It may be easy to call this resolution *Quixotic*, the emanation of a crusading or propagandist spirit. All this, and more, may be readily said; but all this, and more, will not be allowed to fix a character upon this proceeding, until that is proved which it takes for granted. Let it first be shown, that in this question there is nothing which can affect the interest, the character, or the duty of this country. Let it be proved, that we are not called upon, by either of these considerations, to express an opinion on the subject to which the resolution relates. Let this be proved, and then it will indeed be made out, that neither ought this resolution to pass, nor ought the subject of it to have been mentioned in the communication of the President to us. But, in my opinion, this cannot be shown. In my judgment, the subject is interesting to the people and the government of this country, and we are called upon, by considerations of great weight and moment, to express our opinions upon it. These considerations, I think, spring from a sense of our own duty, our character, and our own interest. I wish to treat the subject on such grounds, exclusively, as are truly *American;* but then, in considering it as an American question, I cannot forget the age in which we live, the prevailing spirit of the age, the in-

teresting questions which agitate it, and our own peculiar relation in regard to these interesting questions. Let this be, then, and as far as I am concerned I hope it will be, purely an American discussion; but let it embrace, nevertheless, every thing that fairly concerns America. Let it comprehend, not merely her present advantage, but her permanent interest, her elevated character as one of the free states of the world, and her duty towards those great principles which have hitherto maintained the relative independence of nations, and which have, more especially, made her what she is.

At the commencement of the session, the President, in the discharge of the high duties of his office, called our attention to the subject to which this resolution refers. "A strong hope," says that communication, "has been long entertained, founded on the heroic struggle of the Greeks, that they would succeed in their contest, and resume their equal station among the nations of the earth. It is believed that the whole civilized world takes a deep interest in their welfare. Although no power has declared in their favor, yet none, according to our information, has taken part against them. Their cause and their name have protected them from dangers which might ere this have overwhelmed any other people. The ordinary calculations of interest, and of acquisition with a view to aggrandizement, which mingle so much in the transactions of nations, seem to have had no effect in regard to them. From the facts which have come to our knowledge, there is good cause to believe that their enemy has lost for ever all dominion over them; that Greece will become again an independent nation."

It has appeared to me that the House should adopt some resolution reciprocating these sentiments, so far as it shall approve them. More than twenty years have elapsed since Congress first ceased to receive such a communication from the President as could properly be made the subject of a general answer. I do not mean to find fault with this relinquishment of a former and an ancient practice. It may have been attended with inconveniences which justified its abolition. But, certainly, there was one advantage belonging to it; and that is, that it furnished a fit opportunity for the expression of the opinion of the houses of Congress upon those topics in the executive communication which were not expected to be made the immediate

subjects of direct legislation. Since, therefore, the President's message does not now receive a general answer, it has seemed to me to be proper that, in some mode, agreeable to our own usual form of proceeding, we should express our sentiments upon the important and interesting topics on which it treats.

If the sentiments of the message in respect to Greece be proper, it is equally proper that this House should reciprocate those sentiments. The present resolution is designed to have that extent, and no more. If it pass, it will leave any future proceeding where it now is, in the discretion of the executive government. It is but an expression, under those forms in which the House is accustomed to act, of the satisfaction of the House with the general sentiments expressed in regard to this subject in the message, and of its readiness to defray the expense incident to any inquiry for the purpose of further information, or any other agency which the President, in his discretion, shall see fit, in whatever manner and at whatever time, to institute. The whole matter is still left in his judgment, and this resolution can in no way restrain its unlimited exercise.

I might well, Mr. Chairman, avoid the responsibility of this measure, if it had, in my judgment, any tendency to change the policy of the country. With the general course of that policy I am quite satisfied. The nation is prosperous, peaceful, and happy; and I should very reluctantly put its peace, prosperity, or happiness at risk. It appears to me, however, that this resolution is strictly conformable to our general policy, and not only consistent with our interests, but even demanded by a large and liberal view of those interests.

It is certainly true that the just policy of this country is, in the first place, a peaceful policy. No nation ever had less to expect from forcible aggrandizement. The mighty agents which are working out our greatness are time, industry, and the arts. Our augmentation is by growth, not by acquisition; by internal development, not by external accession. No schemes can be suggested to us so magnificent as the prospects which a sober contemplation of our own condition, unaided by projects, uninfluenced by ambition, fairly spreads before us. A country of such vast extent, with such varieties of soil and climate, with so much public spirit and private enterprise, with a population increasing so much beyond former example, with capacities of improve-

ment not only unapplied or unexhausted, but even, in a great measure, as yet unexplored,—so free in its institutions, so mild in its laws, so secure in the title it confers on every man to his own acquisitions,— needs nothing but time and peace to carry it forward to almost any point of advancement.

In the next place, I take it for granted that the policy of this country, springing from the nature of our government and the spirit of all our institutions, is, so far as it respects the interesting questions which agitate the present age, on the side of liberal and enlightened sentiments. The age is extraordinary; the spirit that actuates it is peculiar and marked; and our own relation to the times we live in, and to the questions which interest them, is equally marked and peculiar. We are placed, by our good fortune and the wisdom and valor of our ancestors, in a condition in which we *can* act no obscure part. Be it for honor, or be it for dishonor, whatever we do is sure to attract the observation of the world. As one of the free states among the nations, as a great and rapidly rising republic, it would be impossible for us, if we were so disposed, to prevent our principles, our sentiments, and our example from producing some effect upon the opinions and hopes of society throughout the civilized world. It rests probably with ourselves to determine whether the influence of these shall be salutary or pernicious.

It cannot be denied that the great political question of this age is that between absolute and regulated governments. The substance of the controversy is whether society shall have any part in its own government. Whether the form of government shall be that of limited monarchy, with more or less mixture of hereditary power, or wholly elective or representative, may perhaps be considered as subordinate. The main controversy is between that absolute rule, which, while it promises to govern well, means, nevertheless, to govern without control, and that constitutional system which restrains sovereign discretion, and asserts that society may claim as matter of right some effective power in the establishment of the laws which are to regulate it. The spirit of the times sets with a most powerful current in favor of these last-mentioned opinions. It is opposed, however whenever and wherever it shows itself, by certain of the great potentates of Europe; and it is opposed on grounds as applicable in one civilized nation as in another, and which would

justify such opposition in relation to the United States, as well as in relation to any other state or nation, if time and circumstances should render such opposition expedient.

What part it becomes this country to take on a question of this sort, so far as it is called upon to take any part, cannot be doubtful. Our side of this question is settled for us, even without our own volition. Our history, our situation, our character, necessarily decide our position and our course, before we have even time to ask whether we have an option. Our place is on the side of free institutions. From the earliest settlement of these States, their inhabitants were accustomed, in a greater or less degree, to the enjoyment of the powers of self-government; and for the last half-century they have sustained systems of government entirely representative, yielding to themselves the greatest possible prosperity, and not leaving them without distinction and respect among the nations of the earth. This system we are not likely to abandon; and while we shall no farther recommend its adoption to other nations, in whole or in part, than it may recommend itself by its visible influence on our own growth and prosperity, we are, nevertheless, interested to resist the establishment of doctrines which deny the legality of its foundations. We stand as an equal among nations, claiming the full benefit of the established international law; and it is our duty to oppose, from the earliest to the latest moment, any innovations upon that code which shall bring into doubt or question our own equal and independent rights.

I will now, Mr. Chairman, advert to those pretensions put forth by the allied sovereigns of Continental Europe, which seem to me calculated, if unresisted, to bring into disrepute the principles of our government, and, indeed, to be wholly incompatible with any degree of national independence. I do not introduce these considerations for the sake of topics. I am not about to declaim against crowned heads, nor to quarrel with any country for preferring a form of government different from our own. The right of choice that we exercise for ourselves, I am quite willing to leave also to others. But it appears to me that the pretensions to which I have alluded are wholly inconsistent with the independence of nations generally, without regard to the question whether their governments be absolute, monarchical and limited, or purely popular and representative. I have a

most deep and thorough conviction, that a new era has arisen in the world, that new and dangerous combinations are taking place, promulgating doctrines and fraught with consequences wholly subversive in their tendency of the public law of nations and of the general liberties of mankind. Whether this be so, or not, is the question which I now propose to examine, upon such grounds of information as are afforded by the common and public means of knowledge.

Every body knows that, since the final restoration of the Bourbons to the throne of France, the Continental powers have entered into sundry alliances, which have been made public, and have held several meetings or congresses, at which the principles of their political conduct have been declared. These things must necessarily have an effect upon the international law of the states of the world. If that effect be good, and according to the principles of that law, they deserve to be applauded. If, on the contrary, their effect and tendency be most dangerous, their principles wholly inadmissible, their pretensions such as would abolish every degree of national independence, then they are to be resisted.

I begin, Mr. Chairman, by drawing your attention to the treaty concluded at Paris in September, 1815, between Russia, Prussia, and Austria, commonly called the Holy Alliance. This singular alliance appears to have originated with the Emperor of Russia; for we are informed that a draft of it was exhibited by him, personally, to a plenipotentiary of one of the great powers of Europe, before it was presented to the other sovereigns who ultimately signed it.* This instrument professes nothing, certainly, which is not extremely commendable and praiseworthy. It promises only that the contracting parties, both in relation to other states, and in regard to their own subjects, will observe the rules of justice and Christianity. In confirmation of these promises, it makes the most solemn and devout religious invocations. Now, although such an alliance is a novelty in European history, the world seems to have received this treaty, upon its first promulgation, with general charity. It was commonly understood as little or nothing more than an expression

* See Lord Castlereagh's speech in the House of Commons, February 3, 1816. Debates in Parliament, Vol. XXXVI. p. 355; where also the treaty may be found at length.

of thanks for the successful termination of the momentous contest in which those sovereigns had been engaged. It still seems somewhat unaccountable, however, that these good resolutions should require to be confirmed by treaty. Who doubted that these august sovereigns would treat each other with justice, and rule their own subjects in mercy? And what necessity was there for a solemn stipulation by treaty, to insure the performance of that which is no more than the ordinary duty of every government? It would hardly be admitted by these sovereigns, that by this compact they consider themselves bound to introduce an entire change, or any change, in the course of their own conduct. Nothing substantially new, certainly, can be supposed to have been intended. What principle, or what practice, therefore, called for this solemn declaration of the intention of the parties to observe the rules of religion and justice?

It is not a little remarkable, that a writer of reputation upon the Public Law, described, many years ago, not inaccurately, the character of this alliance. I allude to Puffendorf. "It seems useless," says he, "to frame any pacts or leagues, barely for the defence and support of universal peace; for by such a league nothing is superadded to the obligation of natural law, and no agreement is made for the performance of any thing which the parties were not previously bound to perform; nor is the original obligation rendered firmer or stronger by such an addition. Men of any tolerable culture and civilization might well be ashamed of entering into any such compact, the conditions of which imply only that the parties concerned shall not offend in any clear point of duty. Besides, we should be guilty of great irreverence towards God, should we suppose that his injunctions had not already laid a sufficient obligation upon us to act justly, unless we ourselves voluntarily consented to the same engagement; as if our obligation to obey his will depended upon our own pleasure.

"If one engage to serve another, he does not set it down expressly and particularly among the terms and conditions of the bargain, that he will not betray nor murder him, nor pillage nor burn his house. For the same reason, that would be a dishonorable engagement, in which men should bind themselves to act properly and decently, and not break the peace." *

* Law of Nature and Nations, Book II. cap. 2, § 11.

Such were the sentiments of that eminent writer. How nearly he had anticipated the case of the Holy Alliance will appear from the preamble to that alliance. After stating that the allied sovereigns had become persuaded, by the events of the last three years, that "their relations with each other ought to be regulated exclusively by the sublime truths taught by the eternal religion of God the Saviour," they solemnly declare their fixed resolution "to adopt as the sole rule of their conduct, both in the administration of their respective states, and in their political relations with every other government, the precepts of that holy religion, namely, the precepts of justice, charity, and peace, which, far from being applicable to private life alone, ought, on the contrary, to have a direct influence upon the counsels of princes, and guide all their steps, as being the only means of consolidating human institutions, and remedying their imperfections."*

This measure, however, appears principally important, as it was the first of a series, and was followed afterwards by others of a more marked and practical nature. These measures, taken together, profess to establish two principles, which the Allied Powers would introduce as a part of the law of the civilized world; and the establishment of which is to be enforced by a million and a half of bayonets.

The first of these principles is, that all popular or constitutional rights are held no otherwise than as grants from the crown. Society, upon this principle, has no rights of its own; it takes good government, when it gets it, as a boon and a concession, but can demand nothing. It is to live by that favor which emanates from royal authority, and if it have the misfortune to lose that favor, there is nothing to protect it against any degree of injustice and oppression. It can rightfully make no endeavor for a change, by itself; its whole privilege is to receive the favors that may be dispensed by the sovereign power, and all its duty is described in the single word *submission*. This is the plain result of the principal Continental state papers; indeed, it is nearly the identical text of some of them.

The circular despatch addressed by the sovereigns assembled at Laybach, in the spring of 1821, to their ministers at foreign courts, alleges, "that useful and necessary changes in legislation

* Martens, Recueil des Traités, Tome XIII. p. 656.

and in the administration of states ought only to emanate from the free will and intelligent and well-weighed conviction of those whom God has rendered responsible for power. All that deviates from this line necessarily leads to disorder, commotions, and evils far more insufferable than those which they pretend to remedy."* Now, Sir, this principle would carry Europe back again, at once, into the middle of the Dark Ages. It is the old doctrine of the Divine right of kings, advanced now by new advocates, and sustained by a formidable array of power. That the people hold their fundamental privileges as matter of concession or indulgence from the sovereign power, is a sentiment not easy to be diffused in this age, any farther than it is enforced by the direct operation of military means. It is true, certainly, that some six centuries ago the early founders of English liberty called the instrument which secured their rights a *charter*. It was, indeed, a concession; they had obtained it sword in hand from the king; and in many other cases, whatever was obtained, favorable to human rights, from the tyranny and despotism of the feudal sovereigns, was called by the names of *privileges* and *liberties*, as being matter of special favor. Though we retain this language at the present time, the principle itself belongs to ages that have long passed by us. The civilized world has done with "the enormous faith, of many made for one." Society asserts its own rights, and alleges them to be original, sacred, and unalienable. It is not satisfied with having kind masters; it demands a participation in its own government; and in states much advanced in civilization, it urges this demand with a constancy and an energy that cannot well nor long be resisted. There are, happily, enough of regulated governments in the world, and those among the most distinguished, to operate as constant examples, and to keep alive an unceasing panting in the bosoms of men for the enjoyment of similar free institutions.

When the English Revolution of 1688 took place, the English people did not content themselves with the example of Runnymede; they did not build their hopes upon royal charters; they did not, like the authors of the Laybach circular, suppose that all useful changes in constitutions and laws must proceed from those only whom God has rendered responsible for power.

* Annual Register for 1821, p. 601.

They were somewhat better instructed in the principles of civil liberty, or at least they were better lovers of those principles than the sovereigns of Laybach. Instead of petitioning for charters, they declared their rights, and while they offered to the Prince of Orange the crown with one hand, they held in the other an enumeration of those privileges which they did not profess to hold as favors, but which they demanded and insisted upon as their undoubted rights.

I need not stop to observe, Mr. Chairman, how totally hostile are these doctrines of Laybach to the fundamental principles of our government. They are in direct contradiction; the principles of good and evil are hardly more opposite. If these principles of the sovereigns be true, we are but in a state of rebellion or of anarchy, and are only tolerated among civilized states because it has not yet been convenient to reduce us to the true standard.

But the second, and, if possible, the still more objectionable principle, avowed in these papers, is the right of forcible interference in the affairs of other states. A right to control nations in their desire to change their own government, wherever it may be conjectured, or pretended, that such change might furnish an example to the subjects of other states, is plainly and distinctly asserted. The same Congress that made the declaration at Laybach had declared, before its removal from Troppau, "that the powers have an undoubted right to take a hostile attitude in regard to those states in which the overthrow of the government may operate as an example."

There cannot, as I think, be conceived a more flagrant violation of public law, or national independence, than is contained in this short declaration.

No matter what be the character of the government resisted; no matter with what weight the foot of the oppressor bears on the neck of the oppressed; if he struggle, or if he complain, he sets a dangerous example of resistance, — and from that moment he becomes an object of hostility to the most powerful potentates of the earth. I want words to express my abhorrence of this abominable principle. I trust every enlightened man throughout the world will oppose it, and that, especially, those who, like ourselves, are fortunately out of the reach of the bayonets that enforce it, will proclaim their detestation of it, in a

tone both loud and decisive. The avowed object of such declarations is to preserve the peace of the world. But by what means is it proposed to preserve this peace? Simply, by bringing the power of all governments to bear against all subjects. Here is to be established a sort of double, or treble, or quadruple, or, for aught I know, quintuple allegiance. An offence against one king is to be an offence against all kings, and the power of all is to be put forth for the punishment of the offender. A right to interfere in extreme cases, in the case of contiguous states, and where imminent danger is threatened to one by what is occurring in another, is not without precedent in modern times, upon what has been called the law of vicinage; and when confined to extreme cases, and limited to a certain extent, it may perhaps be defended upon principles of necessity and self-defence. But to maintain that sovereigns may go to war upon the subjects of another state to repress an example, is monstrous indeed. What is to be the limit to such a principle, or to the practice growing out of it? What, in any case, but sovereign pleasure, is to decide whether the example be good or bad? And what, under the operation of such a rule, may be thought of our example? Why are we not as fair objects for the operation of the new principle, as any of those who may attempt a reform of government on the other side of the Atlantic?

The ultimate effect of this alliance of sovereigns, for objects personal to themselves, or respecting only the permanence of their own power, must be the destruction of all just feeling, and all natural sympathy, between those who exercise the power of government and those who are subject to it. The old channels of mutual regard and confidence are to be dried up, or cut off. Obedience can now be expected no longer than it is enforced. Instead of relying on the affections of the governed, sovereigns are to rely on the affections and friendship of other sovereigns. There are, in short, no longer to be nations. Princes and people are no longer to unite for interests common to them both. There is to be an end of all patriotism, as a distinct national feeling. Society is to be divided horizontally; all sovereigns above, and all subjects below; the former coalescing for their own security, and for the more certain subjection of the undistinguished multitude beneath. This, Sir, is no picture drawn by imagination.

I have hardly used language stronger than that in which the authors of this new system have commented on their own work. M. de Chateaubriand, in his speech in the French Chamber of Deputies, in February last, declared, that he had a conference with the Emperor of Russia at Verona, in which that august sovereign uttered sentiments which appeared to him so precious, that he immediately hastened home, and wrote them down while yet fresh in his recollection. "The Emperor declared," said he, "that there can no longer be such a thing as an English, French, Russian, Prussian, or Austrian policy; there is henceforth but one policy, which, for the safety of all, should be adopted both by people and kings. It was for me first to show myself convinced of the principles upon which I founded the alliance; an occasion offered itself, — the rising in Greece. Nothing certainly could occur more for my interests, for the interests of my people; nothing more acceptable to my country, than a religious war in Turkey. But I have thought I perceived in the troubles of the Morea the sign of revolution, and I have held back. Providence has not put under my command eight hundred thousand soldiers to satisfy my ambition, but to protect religion, morality, and justice, and to secure the prevalence of those principles of order on which human society rests. It may well be permitted, that kings may have public alliances to defend themselves against secret enemies."

These, Sir, are the words which the French minister thought so important that they deserved to be recorded; and I, too, Sir, am of the same opinion. But if it be true that there is hereafter to be neither a Russian policy, nor a Prussian policy, nor an Austrian policy, nor a French policy, nor even, which yet I will not believe, an English policy, there will be, I trust in God, an American policy. If the authority of all these governments be hereafter to be mixed and blended, and to flow, in one augmented current of prerogative, over the face of Europe, sweeping away all resistance in its course, it will yet remain for us to secure our own happiness by the preservation of our own principles; which I hope we shall have the manliness to express on all proper occasions, and the spirit to defend in every extremity. The end and scope of this amalgamated policy are neither more nor less than this, to interfere, by force, for any government, against any people who may resist it. Be the state of the

people what it may, they shall not rise; be the government what it will, it shall not be opposed.

The practical commentary has corresponded with the plain language of the text. Look at Spain, and at Greece. If men may not resist the Spanish Inquisition, and the Turkish cimeter, what is there to which humanity must not submit? Stronger cases can never arise. Is it not proper for us, at all times, is it not our duty, at this time, to come forth, and deny, and condemn, these monstrous principles? Where, but here, and in one other place, are they likely to be resisted? They are advanced with equal coolness and boldness; and they are supported by immense power. The timid will shrink and give way, and many of the brave may be compelled to yield to force. Human liberty may yet, perhaps, be obliged to repose its principal hopes on the intelligence and the vigor of the Saxon race. As far as depends on us, at least, I trust those hopes will not be disappointed; and that, to the extent which may consist with our own settled, pacific policy, our opinions and sentiments may be brought to act on the right side, and to the right end, on an occasion which is, in truth, nothing less than a momentous question between an intelligent age, full of knowledge, thirsting for improvement, and quickened by a thousand impulses, on one side, and the most arbitrary pretensions, sustained by unprecedented power, on the other.

This asserted right of forcible intervention in the affairs of other nations is in open violation of the public law of the world. Who has authorized these learned doctors of Troppau to establish new articles in this code? Whence are their diplomas? Is the whole world expected to acquiesce in principles which entirely subvert the independence of nations? On the basis of this independence has been reared the beautiful fabric of international law. On the principle of this independence, Europe has seen a family of nations flourishing within its limits, the small among the large, protected not always by power, but by a principle above power, by a sense of propriety and justice. On this principle, the great commonwealth of civilized states has been hitherto upheld. There have been occasional departures or violations, and always disastrous, as in the case of Poland; but, in general, the harmony of the system has been wonderfully preserved. In the production and preservation of this sense of

justice, this predominating principle, the Christian religion has acted a main part. Christianity and civilization have labored together; it seems, indeed, to be a law of our human condition, that they can live and flourish only together. From their blended influence has arisen that delightful spectacle of the prevalence of reason and principle over power and interest, so well described by one who was an honor to the age; —

> "And sovereign Law, the state's collected will,
> O'er thrones and globes elate,
> Sits empress, — crowning good, repressing ill:
> Smit by her sacred frown,
> The fiend, Discretion, like a vapor, sinks,
> And e'en the all-dazzling crown
> Hides his faint rays, and at her bidding shrinks."

But this vision is past. While the teachers of Laybach give the rule, there will be no law but the law of the strongest.

It may now be required of me to show what interest *we* have in resisting this new system. What is it to *us*, it may be asked, upon what principles, or what pretences, the European governments assert a right of interfering in the affairs of their neighbors? The thunder, it may be said, rolls at a distance. The wide Atlantic is between us and danger; and, however others may suffer, *we* shall remain safe.

I think it is a sufficient answer to this to say, that we are one of the nations of the earth; that we have an interest, therefore, in the preservation of that system of national law and national intercourse which has heretofore subsisted, so beneficially for all. Our system of government, it should also be remembered, is, throughout, founded on principles utterly hostile to the new code; and if we remain undisturbed by its operation, we shall owe our security either to our situation or our spirit. The enterprising character of the age, our own active, commercial spirit, the great increase which has taken place in the intercourse among civilized and commercial states, have necessarily connected us with other nations, and given us a high concern in the preservation of those salutary principles upon which that intercourse is founded. We have as clear an interest in international law, as individuals have in the laws of society.

But apart from the soundness of the policy, on the ground of direct interest, we have, Sir, a duty connected with this

subject, which I trust we are willing to perform. What do *we* not owe to the cause of civil and religious liberty? to the principle of lawful resistance? to the principle that society has a right to partake in its own government? As the leading republic of the world, living and breathing in these principles, and advanced, by their operation, with unequalled rapidity in our career, shall we give *our* consent to bring them into disrepute and disgrace? It is neither ostentation nor boasting to say, that there lies before this country, in immediate prospect, a great extent and height of power. We are borne along towards this, without effort, and not always even with a full knowledge of the rapidity of our own motion. Circumstances which never combined before have coöperated in our favor, and a mighty current is setting us forward which we could not resist even if we would, and which, while we would stop to make an observation, and take the sun, has set us, at the end of the operation, far in advance of the place where we commenced it. Does it not become us, then, is it not a duty imposed on us, to give our weight to the side of liberty and justice, to let mankind know that we are not tired of our own institutions, and to protest against the asserted power of altering at pleasure the law of the civilized world?

But whatever we do in this respect, it becomes us to do upon clear and consistent principles. There is an important topic in the message to which I have yet hardly alluded. I mean the rumored combination of the European Continental sovereigns against the newly established free states of South America. Whatever position this government may take on that subject, I trust it will be one which can be defended on known and acknowledged grounds of right. The near approach or the remote distance of danger may affect policy, but cannot change principle. The same reason that would authorize us to protest against unwarrantable combinations to interfere between Spain and her former colonies, would authorize us equally to protest, if the same combination were directed against the smallest state in Europe, although our duty to ourselves, our policy, and wisdom, might indicate very different courses as fit to be pursued by us in the two cases. We shall not, I trust, act upon the notion of dividing the world with the Holy Alliance, and complain of nothing done by them in their hemisphere if they will not inter-

fere with ours. At least this would not be such a course of policy as I could recommend or support. We have not offended, and I hope we do not intend to offend, in regard to South America, against any principle of national independence or of public law. We have done nothing, we shall do nothing, that we need to hush up or to compromise by forbearing to express our sympathy for the cause of the Greeks, or our opinion of the course which other governments have adopted in regard to them.

It may, in the next place, be asked, perhaps, Supposing all this to be true, what can *we* do? Are we to go to war? Are we to interfere in the Greek cause, or any other European cause? Are we to endanger our pacific relations? No, certainly not. What, then, the question recurs, remains for us? If we will not endanger our own peace, if we will neither furnish armies nor navies to the cause which we think the just one, what is there within our power?

Sir, this reasoning mistakes the age. The time has been, indeed, when fleets, and armies, and subsidies, were the principal reliances even in the best cause. But, happily for mankind, a great change has taken place in this respect. Moral causes come into consideration, in proportion as the progress of knowledge is advanced; and the public opinion of the civilized world is rapidly gaining an ascendency over mere brutal force. It is already able to oppose the most formidable obstruction to the progress of injustice and oppression; and as it grows more intelligent and more intense, it will be more and more formidable. It may be silenced by military power, but it cannot be conquered. It is elastic, irrepressible, and invulnerable to the weapons of ordinary warfare. It is that impassible, unextinguishable enemy of mere violence and arbitrary rule, which, like Milton's angels,

> "Vital in every part, ...
> Cannot, but by annihilating, die."

Until this be propitiated or satisfied, it is vain for power to talk either of triumphs or of repose. No matter what fields are desolated, what fortresses surrendered, what armies subdued, or what provinces overrun. In the history of the year that has passed by us, and in the instance of unhappy Spain, we have seen the vanity of all triumphs in a cause which violates the

general sense of justice of the civilized world. It is nothing, that the troops of France have passed from the Pyrenees to Cadiz; it is nothing that an unhappy and prostrate nation has fallen before them; it is nothing that arrests, and confiscation, and execution, sweep away the little remnant of national resistance. There is an enemy that still exists to check the glory of these triumphs. It follows the conqueror back to the very scene of his ovations; it calls upon him to take notice that Europe, though silent, is yet indignant; it shows him that the sceptre of his victory is a barren sceptre; that it shall confer neither joy nor honor, but shall moulder to dry ashes in his grasp. In the midst of his exultation, it pierces his ear with the cry of injured justice; it denounces against him the indignation of an enlightened and civilized age; it turns to bitterness the cup of his rejoicing, and wounds him with the sting which belongs to the consciousness of having outraged the opinion of mankind.

In my opinion, Sir, the Spanish nation is now nearer, not only in point of time, but in point of circumstance, to the acquisition of a regulated government, than at the moment of the French invasion. Nations must, no doubt, undergo these trials in their progress to the establishment of free institutions. The very trials benefit them, and render them more capable both of obtaining and of enjoying the object which they seek.

I shall not detain the committee, Sir, by laying before it any statistical, geographical, or commercial, account of Greece. I have no knowledge on these subjects which is not common to all. It is universally admitted, that, within the last thirty or forty years, the condition of Greece has been greatly improved. Her marine is at present respectable, containing the best sailors in the Mediterranean, better even, in that sea, than our own, as more accustomed to the long quarantines and other regulations which prevail in its ports. The number of her seamen has been estimated as high as 50,000, but I suppose that estimate must be much too large. She has, probably, 150,000 tons of shipping. It is not easy to ascertain the amount of the Greek population. The Turkish government does not trouble itself with any of the calculations of political economy, and there has never been such a thing as an accurate census, probably, in any

part of the Turkish empire. In the absence of all official information, private opinions widely differ. By the tables which have been communicated, it would seem that there are 2,400,000 Greeks in Greece proper and the islands; an amount, as I am inclined to think, somewhat overrated. There are, probably, in the whole of European Turkey, 5,000,000 Greeks, and 2,000,000 more in the Asiatic dominions of that power.

The moral and intellectual progress of this numerous population, under the horrible oppression which crushes it, has been such as may well excite regard. Slaves, under barbarous masters, the Greeks have still aspired after the blessings of knowledge and civilization. Before the breaking out of the present revolution, they had established schools, and colleges, and libraries, and the press. Wherever, as in Scio, owing to particular circumstances, the weight of oppression was mitigated, the natural vivacity of the Greeks, and their aptitude for the arts, were evinced. Though certainly not on an equality with the civilized and Christian states of Europe, — and how is it possible, under such oppression as they endured, that they should be? — they yet furnished a striking contrast with their Tartar masters. It has been well said, that it is not easy to form a just conception of the nature of the despotism exercised over them. Conquest and subjugation, as known among European states, are inadequate modes of expression by which to denote the dominion of the Turks. A conquest in the civilized world is generally no more than an acquisition of a new dominion to the conquering country. It does not imply a never-ending bondage imposed upon the conquered, a perpetual mark, — an opprobrious distinction between them and their masters; a bitter and unending persecution of their religion; an habitual violation of their rights of person and property, and the unrestrained indulgence towards them of every passion which belongs to the character of a barbarous soldiery. Yet such is the state of Greece. The Ottoman power over them, obtained originally by the sword, is constantly preserved by the same means. Wherever it exists, it is a mere military power. The religious and civil code of the state being both fixed in the Koran, and equally the object of an ignorant and furious faith, have been found equally incapable of change. "The Turk," it has been said, "has been *encamped* in Europe for four centuries." He has hardly any more partici-

pation in European manners, knowledge, and arts, than when he crossed the Bosphorus. But this is not the worst. The power of the empire is fallen into anarchy, and as the principle which belongs to the head belongs also to the parts, there are as many despots as there are pachas, beys, and viziers. Wars are almost perpetual between the Sultan and some rebellious governor of a province; and in the conflict of these despotisms, the people are necessarily ground between the upper and the nether millstone. In short, the Christian subjects of the Sublime Porte feel daily all the miseries which flow from despotism, from anarchy, from slavery, and from religious persecution. If any thing yet remains to heighten such a picture, let it be added, that every office in the government is not only actually, but professedly, venal; the pachalics, the vizierates, the cadiships, and whatsoever other denomination may denote the depositary of power. In the whole world, Sir, there is no such oppression felt as by the Christian Greeks. In various parts of India, to be sure, the government is bad enough; but then it is the government of barbarians over barbarians, and the feeling of oppression is, of course, not so keen. There the oppressed are perhaps not better than their oppressors; but in the case of Greece, there are millions of Christian men, not without knowledge, not without refinement, not without a strong thirst for all the pleasures of civilized life, trampled into the very earth, century after century, by a pillaging, savage, relentless soldiery. Sir, the case is unique. There exists, and has existed, nothing like it. The world has no such misery to show; there is no case in which Christian communities can be called upon with such emphasis of appeal.

But I have said enough, Mr. Chairman, indeed I need have said nothing, to satisfy the House, that it must be some new combination of circumstances, or new views of policy in the cabinets of Europe, which have caused this interesting struggle not merely to be regarded with indifference, but to be marked with opprobrium. The very statement of the case, as a contest between the Turks and Greeks, sufficiently indicates what must be the feeling of every individual, and every government, that is not biased by a particular interest, or a particular feeling, to disregard the dictates of justice and humanity.

And now, Sir, what has been the conduct pursued by the Al-

lied Powers in regard to this contest? When the revolution broke out, the sovereigns were assembled in congress at Laybach; and the papers of that assembly sufficiently manifest their sentiments. They proclaimed their abhorrence of those "criminal combinations which had been formed in the eastern parts of Europe"; and, although it is possible that this denunciation was aimed, more particularly, at the disturbances in the provinces of Wallachia and Moldavia, yet no exception is made, from its general terms, in favor of those events in Greece which were properly the commencement of her revolution, and which could not but be well known at Laybach, before the date of these declarations. Now it must be remembered, that Russia was a leading party in this denunciation of the efforts of the Greeks to achieve their liberation; and it cannot but be expected by Russia, that the world should also remember what part she herself has heretofore acted in the same concern. It is notorious, that within the last half-century she has again and again excited the Greeks to rebellion against the Porte, and that she has constantly kept alive in them the hope that she would, one day, by her own great power, break the yoke of their oppressor. Indeed, the earnest attention with which Russia has regarded Greece goes much farther back than to the time I have mentioned. Ivan the Third, in 1482, having espoused a Grecian princess, heiress of the last Greek Emperor, discarded St. George from the Russian arms, and adopted the Greek two-headed black eagle, which has continued in the Russian arms to the present day. In virtue of the same marriage, the Russian princes claim the Greek throne as their inheritance.

Under Peter the Great, the policy of Russia developed itself more fully. In 1696, he rendered himself master of Azof, and in 1698, obtained the right to pass the Dardanelles, and to maintain, by that route, commercial intercourse with the Mediterranean. He had emissaries throughout Greece, and particularly applied himself to gain the clergy. He adopted the *Labarum* of Constantine, "In hoc signo vinces"; and medals were struck, with the inscription, "Petrus I. Russo-Græcorum Imperator." In whatever new direction the principles of the Holy Alliance may now lead the politics of Russia, or whatever course she may suppose Christianity now prescribes to her, in regard to the Greek cause, the time has been when she professed to be con-

tending for that cause, as identified with Christianity. The white banner under which the soldiers of Peter the First usually fought, bore, as its inscription, "In the name of the Prince, and for our country." Relying on the aid of the Greeks, in his war with the Porte, he changed the white flag to red, and displayed on it the words, "In the name of God, and for Christianity." The unfortunate issue of this war is well known. Though Anne and Elizabeth, the successors of Peter, did not possess his active character, they kept up a constant communication with Greece, and held out hopes of restoring the Greek empire. Catharine the Second, as is well known, excited a general revolt in 1769. A Russian fleet appeared in the Mediterranean, and a Russian army was landed in the Morea. The Greeks in the end were disgusted at being expected to take an oath of allegiance to Russia, and the Empress was disgusted because they refused to take it. In 1774, peace was signed between Russia and the Porte, and the Greeks of the Morea were left to their fate. By this treaty the Porte acknowledged the independence of the khan of the Crimea; a preliminary step to the acquisition of that country by Russia. It is not unworthy of remark, as a circumstance which distinguished this from most other diplomatic transactions, that it conceded to the cabinet of St. Petersburg the right of intervention in the interior affairs of Turkey, in regard to whatever concerned the religion of the Greeks. The cruelties and massacres that happened to the Greeks after the peace between Russia and the Porte, notwithstanding the general pardon which had been stipulated for them, need not now be recited. Instead of retracing the deplorable picture, it is enough to say, that in this respect the past is justly reflected in the present. The Empress soon after invaded and conquered the Crimea, and on one of the gates of Kerson, its capital, caused to be inscribed, "The road to Byzantium." The present Emperor, on his accession to the throne, manifested an intention to adopt the policy of Catharine the Second as his own, and the world has not been right in all its suspicions, if a project for the partition of Turkey did not form a part of the negotiations of Napoleon and Alexander at Tilsit.

All this course of policy seems suddenly to be changed. Turkey is no longer regarded, it would appear, as an object of partition or acquisition, and Greek revolts have all at once become,

according to the declaration of Laybach, "criminal combinations." The recent congress at Verona exceeded its predecessor at Laybach in its denunciations of the Greek struggle. In the circular of the 14th of December, 1822, it declared the Grecian resistance to the Turkish power to be rash and culpable, and lamented that "the firebrand of rebellion had been thrown into the Ottoman empire." This rebuke and crimination we know to have proceeded on those settled principles of conduct which the Continental powers had prescribed for themselves. The sovereigns saw, as well as others, the real condition of the Greeks; they knew as well as others that it was most natural and most justifiable, that they should endeavor, at whatever hazard, to change that condition. They knew that they themselves, or at least one of them, had more than once urged the Greeks to similar efforts; that they themselves had thrown the same firebrand into the midst of the Ottoman empire. And yet, so much does it seem to be their fixed object to discountenance whatsoever threatens to disturb the actual government of any country, that, Christians as they were, and allied, as they professed to be, for purposes most important to human happiness and religion, they have not hesitated to declare to the world that they have wholly forborne to exercise any compassion to the Greeks, simply because they thought that they saw, in the struggles of the Morea, the sign of revolution. This, then, is coming to a plain, practical result. The Grecian revolution has been discouraged, discountenanced, and denounced, solely because it *is* a revolution. Independent of all inquiry into the reasonableness of its causes or the enormity of the oppression which produced it; regardless of the peculiar claims which Greece possesses upon the civilized world; and regardless of what has been their own conduct towards her for a century; regardless of the interest of the Christian religion, — the sovereigns at Verona seized upon the case of the Greek revolution as one above all others calculated to illustrate the fixed principles of their policy. The abominable rule of the Porte on one side, the value and the sufferings of the Christian Greeks on the other, furnished a case likely to convince even an incredulous world of the sincerity of the professions of the Allied Powers. They embraced the occasion with apparent ardor; and the world, I trust, is satisfied.

We see here, Mr. Chairman, the direct and actual application of that system which I have attempted to describe. We see it in the very case of Greece. We learn, authentically and indisputably, that the Allied Powers, holding that all changes in legislation and administration ought to proceed from kings alone, were wholly inexorable to the sufferings of the Greeks, and entirely hostile to their success. Now it is upon this practical result of the principle of the Continental powers that I wish this House to intimate its opinion. The great question is a question of principle. Greece is only the signal instance of the application of that principle. If the principle be right, if we esteem it conformable to the law of nations, if we have nothing to say against it, or if we deem ourselves unfit to express an opinion on the subject, then, of course, no resolution ought to pass. If, on the other hand, we see in the declarations of the Allied Powers principles not only utterly hostile to our own free institutions, but hostile also to the independence of all nations, and altogether opposed to the improvement of the condition of human nature; if, in the instance before us, we see a most striking exposition and application of those principles, and if we deem our opinions to be entitled to any weight in the estimation of mankind, — then I think it is our duty to adopt some such measure as the proposed resolution.

It is worthy of observation, Sir, that as early as July, 1821, Baron Strogonoff, the Russian minister at Constantinople, represented to the Porte, that, if the undistinguished massacres of the Greeks, both of such as were in open resistance and of those who remained patient in their submission were continued, and should become a settled habit, they would give just cause of war against the Porte to all Christian states. This was in 1821.* It was followed, early in the next year, by that indescribable enormity, that appalling monument of barbarian cruelty, the destruction of Scio; a scene I shall not attempt to describe; a scene from which human nature shrinks shuddering away; a scene having hardly a parallel in the history of fallen man. This scene, too, was quickly followed by the massacres in Cyprus; and all these things were perfectly known to the Christian powers assembled at Verona. Yet these powers, in-

* Annual Register for 1821, p. 251.

stead of acting upon the case supposed by Baron Strogonoff and which one would think had been then fully made out, — instead of being moved by any compassion for the sufferings of the Greeks, — these powers, these Christian powers, rebuke their gallantry and insult their sufferings by accusing them of "throwing a firebrand into the Ottoman empire." Such, Sir, appear to me to be the principles on which the Continental powers of Europe have agreed hereafter to act; and this, an eminent instance of the application of those principles.

I shall not detain the committee, Mr. Chairman, by any attempt to recite the events of the Greek struggle up to the present time. Its origin may be found, doubtless, in that improved state of knowledge which, for some years, has been gradually taking place in that country. The emancipation of the Greeks has been a subject frequently discussed in modern times. They themselves are represented as having a vivid remembrance of the distinction of their ancestors, not unmixed with an indignant feeling that civilized and Christian Europe should not ere now have aided them in breaking their intolerable fetters.

In 1816 a society was founded in Vienna for the encouragement of Grecian literature. It was connected with a similar institution at Athens, and another in Thessaly, called the "Gymnasium of Mount Pelion." The treasury and general office of the institution were established at Munich. No political object was avowed by these institutions, probably none contemplated. Still, however, they had their effect, no doubt, in hastening that condition of things in which the Greeks felt competent to the establishment of their independence. Many young men have been for years annually sent to the universities in the western states of Europe for their education; and, after the general pacification of Europe, many military men, discharged from other employment, were ready to enter even into so unpromising a service as that of the revolutionary Greeks.

In 1820, war commenced between the Porte and Ali, the well-known Pacha of Albania. Differences existed also with Persia and with Russia. In this state of things, at the beginning of 1821, an insurrection broke out in Moldavia, under the direction of Alexander Ypsilanti, a well-educated soldier, who had been major-general in the Russian service. From his character, and the number of those who seemed inclined to join him, he was

supposed to be countenanced by the court of St. Petersburg This, however, was a great mistake, which the Emperor, then at Laybach, took an early opportunity to rectify. The Turkish government was alarmed at these occurrences in the northern provinces of European Turkey, and caused search to be made of all vessels entering the Black Sea, lest arms or other military means should be sent in that manner to the insurgents. This proved inconvenient to the commerce of Russia, and caused some unsatisfactory correspondence between the two powers. It may be worthy of remark, as an exhibition of national character, that, agitated by these appearances of intestine commotion, the Sultan issued a proclamation, calling on all true Mussulmans to renounce the pleasures of social life, to prepare arms and horses, and to return to the manner of their ancestors, the life of the plains. The Turk seems to have thought that he had, at last, caught something of the dangerous contagion of European civilization, and that it was necessary to reform his habits, by recurring to the original manners of military roving barbarians.

It was about this time, that is to say, at the commencement of 1821, that the revolution burst out in various parts of Greece and the isles. Circumstances, certainly, were not unfavorable to the movement, as one portion of the Turkish army was employed in the war against Ali Pacha in Albania, and another part in the provinces north of the Danube. The Greeks soon possessed themselves of the open country of the Morea, and drove their enemy into the fortresses. Of these, that of Tripolitza, with the city, fell into their hands, in the course of the summer. Having after these first movements obtained time to breathe, it became, of course, an early object to establish a government. For this purpose delegates of the people assembled, under that name which describes the assembly in which we ourselves sit, that name which "freed the Atlantic," a *Congress*. A writer, who undertakes to render to the civilized world that service which was once performed by Edmund Burke, I mean the compiler of the English Annual Register, asks, by what authority this assembly could call itself a Congress. Simply, Sir, by the same authority by which the people of the United States have given the same name to their own legislature. We, at least, should be naturally inclined to think, not only as far as

names, but things also, are concerned, that the Greeks could hardly have begun their revolution under better auspices; since they have endeavored to render applicable to themselves the general principles of our form of government, as well as its name. This constitution went into operation at the commencement of the next year. In the mean time, the war with Ali Pacha was ended, he having surrendered, and being afterwards assassinated, by an instance of treachery and perfidy, which, if it had happened elsewhere than under the government of the Turks, would have deserved notice. The negotiation with Russia, too, took a turn unfavorable to the Greeks. The great point upon which Russia insisted, beside the abandonment of the measure of searching vessels bound to the Black Sea, was, that the Porte should withdraw its armies from the neighborhood of the Russian frontiers; and the immediate consequence of this, when effected, was to add so much more to the disposable force ready to be employed against the Greeks. These events seemed to have left the whole force of the Ottoman empire, at the commencement of 1822, in a condition to be employed against the Greek rebellion; and, accordingly, very many anticipated the immediate destruction of the cause. The event, however, was ordered otherwise. Where the greatest effort was made, it was met and defeated. Entering the Morea with an army which seemed capable of bearing down all resistance, the Turks were nevertheless defeated and driven back, and pursued beyond the isthmus, within which, as far as it appears, from that time to the present, they have not been able to set their foot.

It was in April of this year that the destruction of Scio took place. That island, a sort of appanage of the Sultana mother, enjoyed many privileges peculiar to itself. In a population of 130,000 or 140,000, it had no more than 2,000 or 3,000 Turks; indeed, by some accounts, not near as many. The absence of these ruffian masters had in some degree allowed opportunity for the promotion of knowledge, the accumulation of wealth, and the general cultivation of society. Here was the seat of modern Greek literature; here were libraries, printing-presses, and other establishments, which indicate some advancement in refinement and knowledge. Certain of the inhabitants of Samos, it would seem, envious of this comparative happiness of Scio, landed upon the island in an irregular multitude, for the

purpose of compelling its inhabitants to make common cause with their countrymen against their oppressors. These, being joined by the peasantry, marched to the city and drove the Turks into the castle. The Turkish fleet, lately reinforced from Egypt, happened to be in the neighboring seas, and, learning these events, landed a force on the island of fifteen thousand men. There was nothing to resist such an army. These troops immediately entered the city and began an indiscriminate massacre. The city was fired; and in four days the fire and sword of the Turk rendered the beautiful Scio a clotted mass of blood and ashes. The details are too shocking to be recited. Forty thousand women and children, unhappily saved from the general destruction, were afterwards sold in the market of Smyrna, and sent off into distant and hopeless servitude. Even on the wharves of our own cities, it has been said, have been sold the utensils of those hearths which now exist no longer. Of the whole population which I have mentioned, not above nine hundred persons were left living upon the island. I will only repeat, Sir, that these tragical scenes were as fully known at the Congress of Verona, as they are now known to us; and it is not too much to call on the powers that constituted that congress, in the name of conscience and in the name of humanity, to tell us if there be nothing even in these unparalleled excesses of Turkish barbarity to excite a sentiment of compassion; nothing which they regard as so objectionable as even the very idea of popular resistance to power.

The events of the year which has just passed by, as far as they have become known to us, have been even more favorable to the Greeks than those of the year preceding. I omit all details, as being as well known to others as to myself. Suffice it to say, that with no other enemy to contend with, and no diversion of his force to other objects, the Porte has not been able to carry the war into the Morea; and that, by the last accounts, its armies were acting defensively in Thessaly. I pass over, also, the naval engagements of the Greeks, although that is a mode of warfare in which they are calculated to excel, and in which they have already performed actions of such distinguished skill and bravery, as would draw applause upon the best mariners in the world. The present state of the war would seem to be, that the Greeks possess the whole of the Morea, with the exception

of the three fortresses of Patras, Coron, and Modon; all Candia, but one fortress; and most of the other islands. They possess the citadel of Athens, Missolonghi, and several other places in Livadia. They have been able to act on the offensive, and to carry the war beyond the isthmus. There is no reason to believe their marine is weakened; more probably, it is strengthened. But, what is most important of all, they have obtained time and experience. They have awakened a sympathy throughout Europe and throughout America; and they have formed a government which seems suited to the emergency of their condition.

Sir, they have done much. It would be great injustice to compare their achievements with our own. We began our Revolution, already possessed of government, and, comparatively, of civil liberty. Our ancestors had from the first been accustomed in a great measure to govern themselves. They were familiar with popular elections and legislative assemblies, and well acquainted with the general principles and practice of free governments. They had little else to do than to throw off the paramount authority of the parent state. Enough was still left, both of law and of organization, to conduct society in its accustomed course, and to unite men together for a common object. The Greeks, of course, could act with little concert at the beginning; they were unaccustomed to the exercise of power, without experience, with limited knowledge, without aid, and surrounded by nations which, whatever claims the Greeks might seem to have upon them, have afforded them nothing but discouragement and reproach. They have held out, however, for three campaigns; and that, at least, is something. Constantinople and the northern provinces have sent forth thousands of troops; — they have been defeated. Tripoli, and Algiers, and Egypt, have contributed their marine contingents; — they have not kept the ocean. Hordes of Tartars have crossed the Bosphorus; — they have died where the Persians died. The powerful monarchies in the neighborhood have denounced their cause and admonished them to abandon it and submit to their fate. They have answered them, that, although two hundred thousand of their countrymen have offered up their lives, there yet remain lives to offer; and that it is the determination of *all*, "yes, of ALL," to persevere until they shall have established their

liberty, or until the power of their oppressors shall have relieved them from the burden of existence.

It may now be asked, perhaps, whether the expression of our own sympathy, and that of the country, may do them good? I hope it may. It may give them courage and spirit, it may assure them of public regard, teach them that they are not wholly forgotten by the civilized world, and inspire them with constancy in the pursuit of their great end. At any rate, Sir, it appears to me that the measure which I have proposed is due to our own character, and called for by our own duty. When we shall have discharged that duty, we may leave the rest to the disposition of Providence.

I do not see how it can be doubted that this measure is entirely *pacific*. I profess my inability to perceive that it has any possible tendency to involve our neutral relations. If the resolution pass, it is not of necessity to be immediately acted on. It will not be acted on at all, unless, in the opinion of the President, a proper and safe occasion for acting upon it shall arise. If we adopt the resolution to-day, our relations with every foreign state will be to-morrow precisely what they now are. The resolution will be sufficient to express our sentiments on the subjects to which I have adverted. Useful for that purpose, it can be mischievous for no purpose. If the topic were properly introduced into the message, it cannot be improperly introduced into discussion in this House. If it were proper, which no one doubts, for the President to express his opinions upon it, it cannot, I think, be improper for us to express ours. The only certain effect of this resolution is to signify, in a form usual in bodies constituted like this, our approbation of the general sentiment of the message. Do we wish to withhold that approbation? The resolution confers on the President no new power, nor does it enjoin on him the exercise of any new duty; nor does it hasten him in the discharge of any existing duty.

I cannot imagine that this resolution can add any thing to those excitements which it has been supposed, I think very causelessly, might possibly provoke the Turkish government to acts of hostility. There is already the message, expressing the hope of success to the Greeks and disaster to the Turks, in a much stronger manner than is to be implied from the terms of this resolution. There is the correspondence between the Sec-

retary of State and the Greek Agent in London, already made public, in which similar wishes are expressed, and a continuance of the correspondence apparently invited. I might add to this, the unexampled burst of feeling which this cause has called forth from all classes of society, and the notorious fact of pecuniary contributions made throughout the country for its aid and advancement. After all this, whoever can see cause of danger to our pacific relations from the adoption of this resolution has a keener vision than I can pretend to. Sir, there is no augmented danger; there is no danger. The question comes at last to this, whether, on a subject of this sort, this House holds an opinion which is worthy to be expressed.

Even suppose, Sir, an agent or commissioner were to be immediately sent, — a measure which I myself believe to be the proper one, — there is no breach of neutrality, nor any just cause of offence. Such an agent, of course, would not be accredited; he would not be a public minister. The object would be inquiry and information; inquiry which we have a right to make, information which we are interested to possess. If a dismemberment of the Turkish empire be taking place, or has already taken place; if a new state be rising, or be already risen, in the Mediterranean, — who can doubt, that, without any breach of neutrality, we may inform ourselves of these events for the government of our own concerns? The Greeks have declared the Turkish coasts in a state of blockade; may we not inform ourselves whether this blockade be *nominal* or *real?* and, of course, whether it shall be regarded or disregarded? The greater our trade may happen to be with Smyrna, a consideration which seems to have alarmed some gentlemen, the greater is the reason, in my opinion, why we should seek to be accurately informed of those events which may affect its safety. It seems to me impossible, therefore, for any reasonable man to imagine that this resolution can expose us to the resentment of the Sublime Porte.

As little reason is there for fearing its consequences upon the conduct of the Allied Powers. They may, very naturally, dislike our sentiments upon the subject of the Greek revolution; but what those sentiments are they will much more explicitly learn in the President's message than in this resolution. They might, indeed, prefer that we should express no dissent from the

doctrines which they have avowed, and the application which they have made of those doctrines to the case of Greece. But I trust we are not disposed to leave them in any doubt as to our sentiments upon these important subjects. They have expressed their opinions, and do not call that expression of opinion an interference; in which respect they are right, as the expression of opinion in such cases is not such an interference as would justify the Greeks in considering the powers at war with them. For the same reason, any expression which we may make of different principles and different sympathies is no interference. No one would call the President's message an interference; and yet it is much stronger in that respect than this resolution. If either of them could be construed to be an interference, no doubt it would be improper, at least it would be so according to my view of the subject; for the very thing which I have attempted to resist in the course of these observations is the right of foreign interference. But neither the message nor the resolution has that character. There is not a power in Europe which can suppose, that, in expressing our opinions on this occasion, we are governed by any desire of aggrandizing ourselves or of injuring others. We do no more than to maintain those established principles in which we have an interest in common with other nations, and to resist the introduction of new principles and new rules, calculated to destroy the relative independence of states, and particularly hostile to the whole fabric of our government.

I close, then, Sir, with repeating, that the object of this resolution is to avail ourselves of the interesting occasion of the Greek revolution to make our protest against the doctrines of the Allied Powers, both as they are laid down in principle and as they are applied in practice. I think it right, too, Sir, not to be unseasonable in the expression of our regard, and, as far as that goes, in a manifestation of our sympathy with a long oppressed and now struggling people. I am not of those who would, in the hour of utmost peril, withhold such encouragement as might be properly and lawfully given, and, when the crisis should be past, overwhelm the rescued sufferer with kindness and caresses. The Greeks address the civilized world with a pathos not easy to be resisted. They invoke our favor by more moving considerations than can well belong to the condition of

any other people. They stretch out their arms to the Christian communities of the earth, beseeching them, by a generous recollection of their ancestors, by the consideration of their desolated and ruined cities and villages, by their wives and children sold into an accursed slavery, by their blood, which they seem willing to pour out like water, by the common faith, and in the name, which unites all Christians, that they would extend to them at least some token of compassionate regard.

The Tariff*

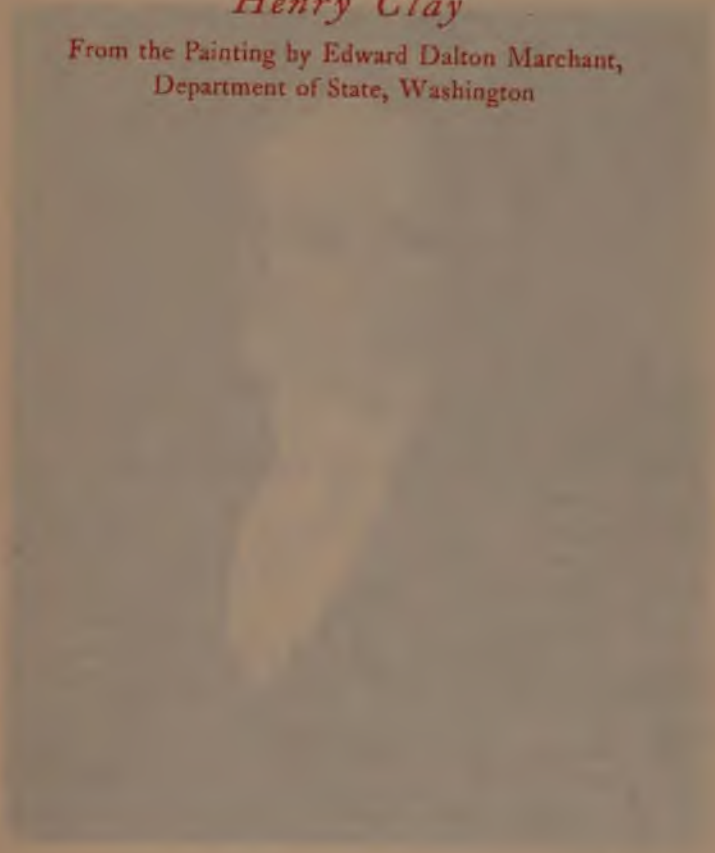
At an early period of the session of Congress of 1823–24 a bill was introduced into the House of Representatives to amend the several acts laying duties on imports. The object of the bill was a comprehensive revision of the existing laws, with a view to the extension of the protective system. The bill became the subject of a protracted debate, in which much of the talent of the House on both sides was engaged. Mr. Webster took an active part in the discussion, and spoke upon many of the details of the bill while it remained in the committee of the whole house on the state of the Union. Several objectionable provisions were removed, and various amendments were introduced upon his motion; and it was a matter of regret to him, as seen in the following speech, that the friends of the bill were not able or willing to bring it into a form in which, as a whole, he could give it his support. On the 30th and 31st of March, Mr. Clay, Speaker of the House, addressed the committee of the whole, at length and with great ability, on the general principles of the bill; and he was succeeded by Mr. Webster, on the 1st and 2d of April, in the following speech.

Mr. Chairman, — I will avail myself of the present occasion to make some remarks on certain principles and opinions which have been recently advanced, and on those considerations which, in my judgment, ought to govern us in deciding upon the several and respective parts of this very important and complex measure. I can truly say that this is a painful duty. I deeply regret the necessity which is likely to be imposed upon me of giving a general affirmative or negative vote on the whole of

* A Speech delivered on the 1st and 2d of April, 1824, in the House of Representatives, on the Bill for revising the several Acts imposing Duties on Certain Articles imported into the United States.

Henry Clay

From the Painting by Edward Dalton Marchant,
Department of State, Washington



Henry Clay

From the Painting by Edward Dalton, Mayoram,
Department of State, Washington

Hist. 361

[illegible] of the [illegible] of Congress of [illegible] a bill [illegible] the House of Representatives [illegible] the [illegible] The object of the bill was [illegible] with a view to the [illegible] The bill became the subject of [illegible] of the Senate on both [illegible] Mr. [illegible] and an active part in the discussion, [illegible] of the bill which is [illegible] in the [illegible] of the Union. [illegible] and [illegible] were [illegible] a matter of regret to him, as [illegible] of the bill were not able or will [illegible] he could give it his [illegible] Mr. Clay, Speaker of the [illegible] of the whole, in length and with great [illegible] of the bill; and he was [illegible] by Mr. [illegible] of April, in the following speech.

Mr. [illegible] of the present occasion to make [illegible] principles and opinions which have been [illegible] and on those considerations which in my judgment, ought to govern us in deciding upon the several and respective parts of this very important and complex measure. I can truly say that this is a painful duty. I deeply regret the necessity which is likely to be imposed upon me of giving a general affirmative or negative vote on the whole of

* A Speech delivered on the 1st and 2d of April, 1894, in the House of Representatives, on the bill for retaining the second Act imposing Duties on Certain Articles imported into the United States.

the bill. I cannot but think this mode of proceeding liable to great objections. It exposes both those who support and those who oppose the measure to very unjust and injurious misapprehensions. There may be good reasons for favoring some of the provisions of the bill, and equally strong reasons for opposing others; and these provisions do not stand to each other in the relation of principal and incident. If that were the case, those who are in favor of the principal might forego their opinions upon incidental and subordinate provisions. But the bill proposes enactments entirely distinct and different from one another in character and tendency. Some of its clauses are intended merely for revenue; and of those which regard the protection of home manufactures, one part stands upon very different grounds from those of other parts. So that probably every gentleman who may ultimately support the bill will vote for much which his judgment does not approve; and those who oppose it will oppose something which they would very gladly support.

Being intrusted with the interests of a district highly commercial, and deeply interested in manufactures also, I wish to state my opinions on the present measure, not as on a whole, for it has no entire and homogeneous character, but as on a collection of different enactments, some of which meet my approbation and some of which do not.

And allow me, Sir, in the first place, to state my regret, if indeed I ought not to express a warmer sentiment, at the names or designations which Mr. Speaker* has seen fit to adopt for the purpose of describing the advocates and the opposers of the present bill. It is a question, he says, between the friends of an "American policy" and those of a "foreign policy." This, Sir, is an assumption which I take the liberty most directly to deny. Mr. Speaker certainly intended nothing invidious or derogatory to any part of the House by this mode of denominating friends and enemies. But there is power in names, and this manner of distinguishing those who favor and those who oppose particular measures may lead to inferences to which no member of the House can submit. It may imply that there is a more exclusive and peculiar regard to American interests in one class of opin-

* Mr. Clay.

ions than in another. Such an implication is to be resisted and repelled. Every member has a right to the presumption, that he pursues what he believes to be the interest of his country with as sincere a zeal as any other member. I claim this in my own case; and while I shall not, for any purpose of description or convenient arrangement, use terms which may imply any disrespect to other men's opinions, much less any imputation upon other men's motives, it is my duty to take care that the use of such terms by others be not, against the will of those who adopt them, made to produce a false impression.

Indeed, Sir, it is a little astonishing, if it seemed convenient to Mr. Speaker, for the purposes of distinction, to make use of the terms "American policy" and "foreign policy," that he should not have applied them in a manner precisely the reverse of that in which he has in fact used them. If names are thought necessary, it would be well enough, one would think, that the name should be in some measure descriptive of the thing; and since Mr. Speaker denominates the policy which he recommends "a new policy in this country"; since he speaks of the present measure as a new era in our legislation; since he professes to invite us to depart from our accustomed course, to instruct ourselves by the wisdom of others, and to adopt the policy of the most distinguished foreign states, — one is a little curious to know with what propriety of speech this imitation of other nations is denominated an "American policy," while, on the contrary, a preference for our own established system, as it now actually exists and always has existed, is called a "foreign policy." This favorite American policy is what America has never tried; and this odious foreign policy is what, as we are told, foreign states have never pursued. Sir, that is the truest American policy which shall most usefully employ American capital and American labor, and best sustain the whole population. With me it is a fundamental axiom, it is interwoven with all my opinions, that the great interests of the country are united and inseparable; that agriculture, commerce, and manufactures will prosper together or languish together; and that all legislation is dangerous which proposes to benefit one of these without looking to consequences which may fall on the others.

Passing from this, Sir, I am bound to say that Mr. Speaker began his able and impressive speech at the proper point of in-

quiry; I mean the present state and condition of the country, although I am so unfortunate, or rather although I am so happy, as to differ from him very widely in regard to that condition. I dissent entirely from the justice of that picture of distress which he has drawn. I have not seen the reality, and know not where it exists. Within my observation, there is no cause for so gloomy and terrifying a representation. In respect to the New England States, with the condition of which I am of course best acquainted, the present appears to me a period of very general prosperity. Not, indeed, a time for sudden acquisition and great profits, not a day of extraordinary activity and successful speculation. There is no doubt a considerable depression of prices, and, in some degree, a stagnation of business. But the case presented by Mr. Speaker was not one of *depression*, but of *distress;* of universal, pervading, intense distress, limited to no class and to no place. We are represented as on the very verge and brink of national ruin. So far from acquiescing in these opinions, I believe there has been no period in which the general prosperity was better secured, or rested on a more solid foundation. As applicable to the Eastern States, I put this remark to their representatives, and ask them if it is not true. When has there been a time in which the means of living have been more accessible and more abundant? When has labor been rewarded, I do not say with a larger, but with a more certain success? Profits, indeed, are low; in some pursuits of life, which it is not proposed to benefit, but to *burden*, by this bill, very low. But still I am unacquainted with any proofs of extraordinary distress. What, indeed, are the general indications of the state of the country? There is no famine nor pestilence in the land, nor war, nor desolation. There is no writhing under the burden of taxation. The means of subsistence are abundant; and at the very moment when the miserable condition of the country is asserted, it is admitted that the wages of labor are high in comparison with those of any other country. A country, then, enjoying a profound peace, perfect civil liberty, with the means of subsistence cheap and abundant, with the reward of labor sure, and its wages higher than anywhere else, cannot be represented as in gloom, melancholy, and distress, but by the effort of extraordinary powers of tragedy.

Even if, in judging of this question, we were to regard only

those proofs to which we have been referred, we shall probably come to a conclusion somewhat different from that which has been drawn. Our exports, for example, although certainly less than in some years, were not, last year, so much below an average formed upon the exports of a series of years, and putting those exports at a fixed value, as might be supposed. The value of the exports of agricultural products, of animals, of the products of the forest and of the sea, together with gunpowder, spirits, and sundry unenumerated articles, amounted in the several years to the following sums, viz.: —

In 1790,	$27,716,152
1804,	33,842,316
1807,	38,465,854

Coming up now to our own times, and taking the exports of the years 1821, 1822, and 1823, of the same articles and products, at the same prices, they stand thus: —

In 1821,	$45,643,175
1822,	48,782,295
1823,	55,863,491

Mr. Speaker has taken the very extraordinary year of 1803, and, adding to the exportation of that year what he thinks ought to have been a just augmentation, in proportion to the increase of our population, he swells the result to a magnitude, which, when compared with our actual exports, would exhibit a great deficiency. But is there any justice in this mode of calculation? In the first place, as before observed, the year 1803 was a year of extraordinary exportation. By reference to the accounts, that of the article of flour, for example, there was an export that year of thirteen hundred thousand barrels; but the very next year it fell to eight hundred thousand, and the next year to seven hundred thousand. In the next place, there never was any reason to expect that the increase of our exports of agricultural products would keep pace with the increase of our population. That would be against all experience. It is, indeed, most desirable, that there should be an augmented demand for the products of agriculture; but, nevertheless, the official returns of our exports do not show that absolute want of all foreign market which has been so strongly stated.

But there are other means by which to judge of the general

condition of the people. The quantity of the means of subsistence consumed, or, to make use of a phraseology better suited to the condition of our own people, the quantity of the comforts of life enjoyed, is one of those means. It so happens, indeed, that it is not so easy in this country as elsewhere to ascertain facts of this sort with accuracy. Where most of the articles of subsistence and most of the comforts of life are taxed, there is, of course, great facility in ascertaining, from official statements, the amount of consumption. But in this country, most fortunately, the government neither knows, nor is concerned to know, the annual consumption; and estimates can only be formed in another mode, and in reference only to a few articles. Of these articles, tea is one. It is not quite a luxury, and yet is something above the absolute necessaries of life. Its consumption, therefore, will be diminished in times of adversity, and augmented in times of prosperity. By deducting the annual export from the annual import, and taking a number of years together, we may arrive at a probable estimate of consumption. The average of eleven years, from 1790 to 1800, inclusive, will be found to be two millions and a half of pounds. From 1801 to 1812, inclusive, the average was three millions seven hundred thousand; and the average of the last three years, to wit, 1821, 1822, and 1823, was five millions and a half. Having made a just allowance for the increase of our numbers, we shall still find, I think, from these statements, that there is no distress which has limited our means of subsistence and enjoyment.

In forming an opinion of the degree of general prosperity, we may regard, likewise, the progress of internal improvements, the investment of capital in roads, bridges, and canals. All these prove a balance of income over expenditure; they afford evidence that there is a surplus of profits, which the present generation is usefully vesting for the benefit of the next. It cannot be denied, that, in this particular, the progress of the country is steady and rapid.

We may look, too, to the sums expended for education. Are our colleges deserted? Do fathers find themselves less able than usual to educate their children? It will be found, I imagine, that the amount paid for the purpose of education is constantly increasing, and that the schools and colleges were never more full than at the present moment. I may add, that the endow-

ment of public charities, the contributions to objects of general benevolence, whether foreign or domestic, the munificence of individuals towards whatever promises to benefit the community, are all so many proofs of national prosperity. And, finally, there is no defalcation of revenue, no pressure of taxation.

The general result, therefore, of a fair examination of the present condition of things, seems to me to be, that there is a considerable depression of prices, and curtailment of profit; and in some parts of the country, it must be admitted, there is a great degree of pecuniary embarrassment, arising from the difficulty of paying debts which were contracted when prices were high. With these qualifications, the general state of the country may be said to be prosperous; and these are not sufficient to give to the whole face of affairs any appearance of general distress.

Supposing the evil, then, to be a depression of prices, and a partial pecuniary pressure, the next inquiry is into the causes of that evil; and it appears to me that there are several; and in this respect, I think, too much has been imputed by Mr. Speaker to the single cause of the diminution of exports. Connected, as we are, with all the commercial nations of the world, and having observed great changes to take place elsewhere, we should consider whether the causes of those changes have not reached us, and whether we are not suffering by the operation of them, in common with others. Undoubtedly, there has been a great fall in the price of all commodities throughout the commercial world, in consequence of the restoration of a state of peace. When the Allies entered France in 1814, prices rose astonishingly fast, and very high. Colonial produce, for instance, in the ports of this country, as well as elsewhere, sprung up suddenly from the lowest to the highest extreme. A new and vast demand was created for the commodities of trade. These were the natural consequences of the great political changes which then took place in Europe.

We are to consider, too, that our own war created new demand, and that a government expenditure of twenty-five or thirty million dollars a year had the usual effect of enhancing prices. We are obliged to add, that the paper issues of our banks carried the same effect still further. A depreciated currency existed in a great part of the country; depreciated to such an extent, that, at one time, exchange between the centre and the

North was as high as twenty per cent. The Bank of the United States was instituted to correct this evil; but, for causes which it is not necessary now to enumerate, it did not for some years bring back the currency of the country to a sound state. This depreciation of the circulating currency was so much, of course, added to the nominal prices of commodities, and these prices, thus unnaturally high, seemed, to those who looked only at the appearance, to indicate great prosperity. But such prosperity is more specious than real. It would have been better, probably, as the shock would have been less, if prices had fallen sooner. At length, however, they fell; and as there is little doubt that certain events in Europe had an influence in determining the time at which this fall took place, I will advert shortly to some of the principal of those events.

In May, 1819, the British House of Commons decided, by a unanimous vote, that the resumption of cash payments by the Bank of England should not be deferred beyond the ensuing February. The restriction had been continued from time to time, and from year to year, Parliament always professing to look to the restoration of a specie currency whenever it should be found practicable. Having been, in July, 1818, continued to July, 1819, it was understood that, in the interim, the important question of the time at which cash payments should be resumed should be finally settled. In the latter part of the year 1818, the circulation of the bank had been greatly reduced, and a severe scarcity of money was felt in the London market. Such was the state of things in England. On the Continent, other important events took place. The French Indemnity Loan had been negotiated in the summer of 1818, and the proportion of it belonging to Austria, Russia, and Prussia had been sold. This created an unusual demand for gold and silver in those countries. It has been stated, that the amount of the precious metals transmitted to Austria and Russia in that year was at least twenty millions sterling. Other large sums were sent to Prussia and to Denmark. The effect of this sudden drain of specie, felt first at Paris, was communicated to Amsterdam and Hamburg, and all other commercial places in the North of Europe.

The paper system of England had certainly communicated an artificial value to property. It had encouraged speculation, and excited over-trading. When the shock therefore came, and this

violent pressure for money acted at the same moment on the Continent and in England, inflated and unnatural prices could be kept up no longer. A reduction took place, which has been estimated to have been at least equal to a fall of thirty, if not forty per cent. The depression was universal; and the change was felt in the United States severely, though not equally so in every part. There are those, I am aware, who maintain that the events to which I have alluded did not cause the great fall of prices, but that that fall was natural and inevitable, from the previously existing state of things, the abundance of commodities, and the want of demand. But that would only prove that the effect was produced in another way, rather than by another cause. If these great and sudden calls for money did not reduce prices, but prices fell, as of themselves, to their natural state, still the result is the same; for we perceive that, after these new calls for money, prices could not be kept longer at their unnatural height.

About the time of these foreign events, our own bank system underwent a change; and all these causes, in my view of the subject, concurred to produce the great shock which took place in our commercial cities, and in many parts of the country. The year 1819 was a year of numerous failures, and very considerable distress, and would have furnished far better grounds than exist at present for that gloomy representation of our condition which has been presented. Mr. Speaker has alluded to the strong inclination which exists, or has existed, in various parts of the country, to issue paper money, as a proof of great existing difficulties. I regard it rather as a very productive cause of those difficulties; and the committee will not fail to observe, that there is, at this moment, much the loudest complaint of distress precisely where there has been the greatest attempt to relieve it by systems of paper credit. And, on the other hand, content, prosperity, and happiness are most observable in those parts of the country where there has been the least endeavor to administer relief by law. In truth, nothing is so baneful, so utterly ruinous to all true industry, as interfering with the legal value of money, or attempting to raise artificial standards to supply its place. Such remedies suit well the spirit of extravagant speculation, but they sap the very foundation of all honest acquisition. By weakening the security of property, they take

away all motive for exertion. Their effect is to transfer property. Whenever a debt is allowed to be paid by any thing less valuable than the legal currency in respect to which it was contracted, the difference between the value of the paper given in payment and the legal currency is precisely so much property taken from one man and given to another, by legislative enactment.

When we talk, therefore, of protecting industry, let us remember that the first measure for that end is to secure it in its earnings; to assure it that it shall receive its own. Before we invent new modes of raising prices, let us take care that existing prices are not rendered wholly unavailable, by making them capable of being paid in depreciated paper. I regard, Sir, this issue of irredeemable paper as the most prominent and deplorable cause of whatever pressure still exists in the country; and, further, I would put the question to the members of this committee, whether it is not from that part of the people who have tried this paper system, and tried it to their cost, that this bill receives the most earnest support? And I cannot forbear to ask, further, whether this support does not proceed rather from a general feeling of uneasiness under the present condition of things, than from the clear perception of any benefit which the measure itself can confer? Is not all expectation of advantage centred in a sort of vague hope, that change may produce relief? Debt certainly presses hardest where prices have been longest kept up by artificial means. They find the shock lightest who take it soonest; and I fully believe that, if those parts of the country which now suffer most, had not augmented the force of the blow by deferring it, they would have now been in a much better condition than they are. We may assure ourselves, once for all, Sir, that there can be no such thing as payment of debts by legislation. We may abolish debts indeed; we may transfer property by visionary and violent laws. But we deceive both ourselves and our constituents, if we flatter either ourselves or them with the hope that there is any relief against whatever pressure exists, but in economy and industry. The depression of prices and the stagnation of business have been in truth the necessary result of circumstances. No government could prevent them, and no government can altogether relieve the people from their effect. We have enjoyed a day of extraordinary pros-

perity; we had been neutral while the world was at war, and had found a great demand for our products, our navigation, and our labor. We had no right to expect that that state of things would continue always. With the return of peace, foreign nations would struggle for themselves, and enter into competition with us in the great objects of pursuit.

Now, Sir, what is the remedy for existing evils? What is the course of policy suited to our actual condition? Certainly it is not our wisdom to adopt any system that may be offered to us, without examination, and in the blind hope that whatever changes our condition may improve it. It is better that we should

> "bear those ills we have,
> Than fly to others that we know not of."

We are bound to see that there is a fitness and an aptitude in whatever measures may be recommended to relieve the evils that afflict us; and before we adopt a system that professes to make great alterations, it is our duty to look carefully to each leading interest of the community, and see how it may probably be affected by our proposed legislation.

And, in the first place, what is the condition of our commerce? Here we must clearly perceive, that it is not enjoying that rich harvest which fell to its fortune during the continuance of the European wars. It has been greatly depressed, and limited to small profits. Still, it is elastic and active, and seems capable of recovering itself in some measure from its depression. The shipping interest, also, has suffered severely, still more severely, probably, than commerce. If any thing should strike us with astonishment, it is that the navigation of the United States should be able to sustain itself. Without any government protection whatever, it goes abroad to challenge competition with the whole world; and, in spite of all obstacles, it has yet been able to maintain eight hundred thousand tons in the employment of foreign trade. How, Sir, do the ship-owners and navigators accomplish this? How is it that they are able to meet, and in some measure overcome, universal competition? It is not, Sir, by protection and bounties; but by unwearied exertion, by extreme economy, by unshaken perseverance, by that manly and resolute spirit which relies on itself to protect itself. These causes alone enable American ships still to keep their

element, and show the flag of their country in distant seas. The rates of insurance may teach us how thoroughly our ships are built, and how skilfully and safely they are navigated. Risks are taken, as I learn, from the United States to Liverpool, at one per cent.; and from the United States to Canton and back, as low as three per cent. But when we look to the low rate of freight, and when we consider, also, that the articles entering into the composition of a ship, with the exception of wood, are dearer here than in other countries, we cannot but be utterly surprised that the shipping interest has been able to sustain itself at all. I need not say that the navigation of the country is essential to its honor and its defence. Yet, instead of proposing benefits for it in this hour of its depression, we threaten by this measure to lay upon it new and heavy burdens. In the discussion, the other day, of that provision of the bill which proposes to tax tallow for the benefit of the oil-merchants and whalemen, we had the pleasure of hearing eloquent eulogiums upon that portion of our shipping employed in the whale-fishery, and strong statements of its importance to the public interest. But the same bill proposes a severe tax upon that interest, for the benefit of the iron-manufacturer and the hemp-grower. So that the tallow-chandlers and soapboilers are sacrificed to the oil-merchants, in order that these again may contribute to the manufacturers of iron and the growers of hemp.

If such be the state of our commerce and navigation, what is the condition of our home manufactures? How are they amidst the general depression? Do they need further protection? and if any, how much? On all these points, we have had much general statement, but little precise information. In the very elaborate speech of Mr. Speaker, we are not supplied with satisfactory grounds of judging with respect to these various particulars. Who can tell, from any thing yet before the committee, whether the proposed duty be too high or too low on any one article? Gentlemen tell us, that they are in favor of domestic industry; so am I. They would give it protection; so would I. But then all domestic industry is not confined to manufactures. The employments of agriculture, commerce, and navigation are all branches of the same domestic industry; they all furnish employment for American capital and American labor. And when the question is, whether new duties shall be laid, for the

purpose of giving further encouragement to particular manufactures, every reasonable man must ask himself, both whether the proposed new encouragement be necessary, and whether it can be given without injustice to other branches of industry.

It is desirable to know, also, somewhat more distinctly, how the proposed means will produce the intended effect. One great object proposed, for example, is the increase of the home market for the consumption of agricultural products. This certainly is much to be desired; but what provisions of the bill are expected wholly or principally to produce this, is not stated. I would not deny that some increase of the home market may follow, from the adoption of this bill, but all its provisions have not an equal tendency to produce this effect. Those manufactures which employ most labor, create, of course, most demand for articles of consumption; and those create least in the production of which capital and skill enter as the chief ingredients of cost. I cannot, Sir, take this bill merely because a committee has recommended it. I cannot espouse a side, and fight under a flag. I wholly repel the idea that we must take this law, or pass no law on the subject. What should hinder us from exercising our own judgments upon these provisions, singly and severally? Who has the power to place us, or why should we place ourselves, in a condition where we cannot give to every measure, that is distinct and separate in itself, a separate and distinct consideration? Sir, I presume no member of the committee will withhold his assent from what he thinks right, until others will yield their assent to what they think wrong. There are many things in this bill acceptable, probably, to the general sense of the House. Why should not these provisions be passed into a law, and others left to be decided upon their own merits, as a majority of the House shall see fit? To some of these provisions, I am myself decidedly favorable; to others I have great objections; and I should have been very glad of an opportunity of giving my own vote distinctly on propositions which are, in their own nature, essentially and substantially distinct from one another.

But, Sir, before expressing my own opinion upon the several provisions of this bill, I will advert for a moment to some other general topics. We have heard much of the policy of England, and her example has been repeatedly urged upon us, as proving,

not only the expediency of encouragement and protection, but of exclusion and direct prohibition also. I took occasion the other day to remark, that more liberal notions were becoming prevalent on this subject; that the policy of restraints and prohibitions was getting out of repute, as the true nature of commerce became better understood; and that, among public men, those most distinguished were most decided in their reprobation of the broad principle of exclusion and prohibition. Upon the truth of this representation, as matter of fact, I supposed there could not be two opinions among those who had observed the progress of political sentiment in other countries, and were acquainted with its present state. In this respect, however, it would seem that I was greatly mistaken. We have heard it again and again declared, that the English government still adheres, with immovable firmness, to its old doctrines of prohibition; that although journalists, theorists, and scientific writers advance other doctrines, yet the practical men, the legislators, the government of the country, are too wise to follow them. It has even been most sagaciously hinted, that the promulgation of liberal opinions on these subjects is intended only to delude other governments, to cajole them into the folly of liberal ideas, while England retains to herself all the benefits of the admirable old system of prohibition. We have heard from Mr. Speaker a warm commendation of the complex mechanism of this system. The British empire, it is said, is, in the first place, to be protected against the rest of the world; then the British Isles against the colonies; next, the isles respectively against each other, England herself, as the heart of the empire, being protected most of all, and against all.

Truly, Sir, it appears to me that Mr. Speaker's imagination has seen system, and order, and beauty, in that which is much more justly considered as the result of ignorance, partiality, or violence. This part of English legislation has resulted, partly from considering Ireland as a conquered country, partly from the want of a complete union, even with Scotland, and partly from the narrow views of colonial regulation, which in early and uninformed periods influenced the European states.

Nothing, I imagine, would strike the public men of England more singularly, than to find gentlemen of real information and much weight in the councils of this country expressing senti-

ments like these, in regard to the existing state of these English laws. I have never said, indeed, that prohibitory laws do not exist in England; we all know they do; but the question is, Does she owe her prosperity and greatness to these laws? I venture to say, that such is not the opinion of public men now in England, and the continuance of the laws, even without any alteration, would not be evidence that their opinion is different from what I have represented it; because the laws having existed long, and great interests having been built up on the faith of them, they cannot now be repealed without great and overwhelming inconvenience. Because a thing has been wrongly done, it does not therefore follow that it can now be undone; and this is the reason, as I understand it, for which exclusion, prohibition, and monopoly are suffered to remain in any degree in the English system; and for the same reason, it will be wise in us to take our measures, on all subjects of this kind, with great caution. We may not be able, but at the hazard of much injury to individuals, hereafter to retrace our steps. And yet, whatever is extravagant or unreasonable is not likely to endure. There may come a moment of strong reaction; and if no moderation be shown in laying on duties, there may be as little scruple in taking them off.

It may be here observed, that there is a broad and marked distinction between entire prohibition and reasonable encouragement. It is one thing, by duties or taxes on foreign articles, to awaken a home competition in the production of the same articles; it is another thing to remove all competition by a total exclusion of the foreign article; and it is quite another thing still, by total prohibition, to raise up at home manufactures not suited to the climate, the nature of the country, or the state of the population. These are substantial distinctions, and although it may not be easy in every case to determine which of them applies to a given article, yet the distinctions themselves exist, and in most cases will be sufficiently clear to indicate the true course of policy; and, unless I have greatly mistaken the prevailing sentiment in the councils of England, it grows every day more and more favorable to the diminution of restrictions, and to the wisdom of leaving much (I do not say every thing, for that would not be true) to the enterprise and the discretion of individuals. I should certainly not have taken up the time of

the committee to state at any length the opinions of other governments, or of the public men of other countries, upon a subject like this; but an occasional remark made by me the other day, having been so directly controverted, especially by Mr. Speaker, in his observations yesterday, I must take occasion to refer to some proofs of what I have stated.

What, then, is the state of English opinion? Every body knows that, after the termination of the late European war, there came a time of great pressure in England. Since her example has been quoted, let it be asked in what mode her government sought relief. Did it aim to maintain artificial and unnatural prices? Did it maintain a swollen and extravagant paper circulation? Did it carry further the laws of prohibition and exclusion? Did it draw closer the cords of colonial restraint? No, Sir, but precisely the reverse. Instead of relying on legislative contrivances and artificial devices, it trusted to the enterprise and industry of the people, which it sedulously sought to excite, not by imposing restraint, but by removing it, wherever its removal was practicable. In May, 1820, the attention of the government having been much turned to the state of foreign trade, a distinguished member* of the House of Peers brought forward a Parliamentary motion upon that subject, followed by an ample discussion and a full statement of his own opinions. In the course of his remarks, he observed, "that there ought to be no prohibitory duties, as such; for that it was evident, that, where a manufacture could not be carried on, or a production raised, but under the protection of a prohibitory duty, that manufacture, or that produce, could not be brought to market but at a loss. In his opinion, the name of strict prohibition might, therefore, in commerce, be got rid of altogether; but he did not see the same objection to protecting duties, which, while they admitted of the introduction of commodities from abroad similar to those which we ourselves manufactured, placed them so much on a level as to allow a competition between them." "No axiom," he added, "was more true than this: that it was by growing what the territory of a country could grow most cheaply, and by receiving from other countries what it could not produce except at too great an expense, that the greatest degree

* Lord Lansdowne.

of happiness was to be communicated to the greatest extent of population."

In assenting to the motion, the first minister* of the crown expressed his own opinion of the great advantage resulting from unrestricted freedom of trade. "Of the soundness of that general principle," he observed, "I can entertain no doubt. I can entertain no doubt of what would have been the great advantages to the civilized world, if the system of unrestricted trade had been acted upon by every nation from the earliest period of its commercial intercourse with its neighbors. If to those advantages there could have been any exceptions, I am persuaded that they would have been but few; and I am also persuaded that the cases to which they would have referred would not have been, in themselves, connected with the trade and commerce of England. But we are now in a situation in which, I will not say that a reference to the principle of unrestricted trade can be of no use, because such a reference may correct erroneous reasoning, but in which it is impossible for us, or for any country in the world but the United States of America, to act unreservedly on that principle. The commercial regulations of the European world have been long established, and cannot suddenly be departed from." Having supposed a proposition to be made to England by a foreign state for free commerce and intercourse, and an unrestricted exchange of agricultural products and of manufactures, he proceeds to observe: "It would be impossible to accede to such a proposition. We have risen to our present greatness under a different system. Some suppose that we have risen in consequence of that system; *others, of whom I am one, believe that we have risen in spite of that system.* But, whichever of these hypotheses be true, certain it is that we have risen under a very different system than that of free and unrestricted trade. It is utterly impossible, with our debt and taxation, even if they were but half their existing amount, that we can suddenly adopt the system of free trade."

Lord Ellenborough, in the same debate, said, "that he attributed the general distress then existing in Europe to the regulations that had taken place since the destruction of the French power. Most of the states on the Continent had surrounded

* Lord Liverpool.

themselves as with walls of brass, to inhibit intercourse with other states. Intercourse was prohibited, even in districts of the same state, as was the case in Austria and Sardinia. Thus, though the taxes on the people had been lightened, the severity of their condition had been increased. He believed that the discontent which pervaded most parts of Europe, and especially Germany, was more owing to commercial restrictions than to any theoretical doctrines on government; and that a free communication among them would do more to restore tranquillity, than any other step that could be adopted. He objected to all attempts to frustrate the benevolent intentions of Providence, which had given to various countries various wants, in order to bring them together. He objected to it as anti-social; he objected to it, as making commerce the means of barbarizing, instead of enlightening, nations. The state of the trade with France was most disgraceful to both countries; the two greatest civilized nations of the world, placed at a distance of scarcely twenty miles from each other, had contrived, by their artificial regulations, to reduce their commerce with each other to a mere nullity." Every member speaking on this occasion agreed in the general sentiments favorable to unrestricted intercourse, which had thus been advanced; one of them remarking, at the conclusion of the debate, that "the principles of free trade, which he was happy to see so fully recognized, were of the utmost consequence; for, though, in the present circumstances of the country, a free trade was unattainable, yet their task hereafter was to approximate to it. Considering the prejudices and interests which were opposed to the recognition of that principle, it was no small indication of the firmness and liberality of government to have so fully conceded it."

Sir, we have seen, in the course of this discussion, that several gentlemen have expressed their high admiration of the *silk manufacture* of England. Its commendation was begun, I think, by the honorable member from Vermont, who sits near me, who thinks that that alone gives conclusive evidence of the benefits produced by attention to manufactures, inasmuch as it is a great source of wealth to the nation, and has amply repaid all the cost of its protection. Mr. Speaker's approbation of this part of the English example was still warmer. Now, Sir, it does so happen, that both these gentlemen differ very widely on this

point from the opinions entertained in England, by persons of the first rank, both as to knowledge and power. In the debate to which I have already referred, the proposer of the motion urged the expediency of providing for the admission of the silks of France into England. "He was aware," he said, "that there was a poor and industrious body of manufacturers, whose interests must suffer by such an arrangement; and therefore he felt that it would be the duty of Parliament to provide for the present generation by a large Parliamentary grant. It was conformable to every principle of sound justice to do so, when the interests of a particular class were sacrificed to the good of the whole." In answer to these observations, Lord Liverpool said that, with reference to several branches of manufactures, time, and the change of circumstances, had rendered the system of protecting duties merely nominal; and that, in his opinion, if all the protecting laws which regarded both the woollen and cotton manufactures were to be repealed, no injurious effects would thereby be occasioned. "But," he observes, "with respect to silk, that manufacture in this kingdom is so completely artificial, that any attempt to introduce the principles of free trade with reference to it might put an end to it altogether. I allow that the silk manufacture is not natural to this country. *I wish we had never had a silk manufactory.* I allow that it is natural to France; I allow that it might have been better, had each country adhered exclusively to that manufacture in which each is superior; and had the silks of France been exchanged for British cottons. But I must look at things as they are; and when I consider the extent of capital, and the immense population, consisting, I believe, of about fifty thousand persons, engaged in our silk manufacture, I can only say, that one of the few points in which I totally disagree with the proposer of the motion is the expediency, under existing circumstances, of holding out any idea, that it would be possible to relinquish the silk manufacture, and to provide for those who live by it, by Parliamentary enactment. Whatever objections there may be to the continuance of the protecting system, I repeat, that it is impossible altogether to relinquish it. I may regret that the system was ever commenced; but as I cannot recall that act, I must submit to the inconvenience by which it is attended, rather than expose the country to evils of greater magnitude." Let it be re-

membered, Sir, that these are not the sentiments of a theorist, nor the fancies of speculation; but the operative opinions of the first minister of England, acknowledged to be one of the ablest and most practical statesmen of his country.

Gentlemen could have hardly been more unfortunate than in the selection of the silk manufacture in England as an example of the beneficial effects of that system which they would recommend. It is, in the language which I have quoted, completely artificial. It has been sustained by I know not how many laws, breaking in upon the plainest principles of general expediency. At the last session of Parliament, the manufacturers petitioned for the repeal of three or four of these statutes, complaining of the vexatious restrictions which they impose on the wages of labor; setting forth, that a great variety of orders has from time to time been issued by magistrates under the authority of these laws, interfering in an oppressive manner with the minutest details of the manufacture: such as limiting the number of threads to an inch, restricting the widths of many sorts of work, and determining the quantity of labor not to be exceeded without extra wages; that by the operation of these laws, the rate of wages, instead of being left to the recognized principles of regulation, has been arbitrarily fixed by persons whose ignorance renders them incompetent to a just decision; that masters are compelled by law to pay an equal price for all work, whether well or ill performed; and that they are wholly prevented from using improved machinery, it being ordered, that work, in the weaving of which machinery is employed, shall be paid precisely at the same rate as if done by hand; that these acts have frequently given rise to the most vexatious regulations, the unintentional breach of which has subjected manufacturers to ruinous penalties; and that the introduction of all machinery being prevented, by which labor might be cheapened, and the manufacturers being compelled to pay at a fixed price, under all circumstances, they are unable to afford employment to their workmen, in times of stagnation of trade, and are compelled to stop their looms. And finally, they complain, that, notwithstanding these grievances under which they labor, while carrying on their manufacture in London, the law still prohibits them, while they continue to reside there, from employing any portion of their capital in the same business in any other part of the

kingdom, where it might be more beneficially conducted. Now, Sir, absurd as these laws must appear to be to every man, the attempt to repeal them did not, as far as I recollect, altogether succeed. The weavers were too numerous, their interests too great, or their prejudices too strong; and this notable instance of protection and monopoly still exists, to be lamented in England with as much sincerity as it seems to be admired here.

In order further to show the prevailing sentiment of the English government, I would refer to a report of a select committee of the House of Commons, at the head of which was the Vice-President of the Board of Trade (Mr. Wallace), in July, 1820. "The time," say that committee, "when monopolies could be successfully supported, or would be patiently endured, either in respect to subjects against subjects, or particular countries against the rest of the world, seems to have passed away. Commerce, to continue undisturbed and secure, must be, as it was intended to be, a source of reciprocal amity between nations, and an interchange of productions to promote the industry, the wealth, and the happiness of mankind." In moving for the reappointment of the committee in February, 1823, the same gentleman said: "We must also get rid of that feeling of appropriation which exhibited itself in a disposition to produce every thing necessary for our own consumption, and to render ourselves independent of the world. No notion could be more absurd or mischievous; it led, even in peace, to an animosity and rancor greater than existed in time of war. Undoubtedly there would be great prejudices to combat, both in this country and elsewhere, in the attempt to remove the difficulties which are most obnoxious. It would be impossible to forget the attention which was in some respects due to the present system of protections, although that attention ought certainly not to be carried beyond the absolute necessity of the case." And in a second report of the committee, drawn by the same gentleman, in that part of it which proposes a diminution of duties on timber from the North of Europe, and the policy of giving a legislative preference to the importation of such timber in the log, and a discouragement of the importation of deals, it is stated that the committee reject this policy, because, among other reasons, "it is founded on a principle of exclusion, which they are most averse to see brought into operation, in any *new instance*, with-

out the warrant of some evident and great political expediency." And on many subsequent occasions the same gentleman has taken occasion to observe, that he differed from those who thought that manufactures could not flourish without restrictions on trade; that old prejudices of that sort were dying away, and that more liberal and just sentiments were taking their place.

These sentiments appear to have been followed by important legal provisions, calculated to remove restrictions and prohibitions where they were most severely felt; that is to say, in several branches of navigation and trade. They have relaxed their colonial system, they have opened the ports of their islands, and have done away the restriction which limited the trade of the colony to the mother country. Colonial products can now be carried directly from the islands to any part of Europe; and it may not be improbable, considering our own high duties on spirits, that that article may be exchanged hereafter by the English West India colonies directly for the timber and deals of the Baltic. It may be added that Mr. Lowe, whom the gentleman has cited, says, that nobody supposes that the three great staples of English manufactures, cotton, woollen, and hardware, are benefited by any existing protecting duties; and that one object of all these protecting laws is usually overlooked, and that is, that they have been intended to reconcile the various interests to taxation; the corn law, for example, being designed as some equivalent to the agricultural interest for the burden of tithes and of poor-rates.

In fine, Sir, I think it is clear, that, if we now embrace the system of prohibitions and restrictions, we shall show an affection for what others have discarded, and be attempting to ornament ourselves with cast-off apparel.

Sir, I should not have gone into this prolix detail of opinions from any consideration of their special importance on the present occasion; but having happened to state that such was the actual opinion of the government of England at the present time, and the accuracy of this representation having been so confidently denied, I have chosen to put the matter beyond doubt or cavil, although at the expense of these tedious citations I shall have occasion hereafter to refer more particularly to sundry recent British enactments, by way of showing the diligence and spirit with which that government strives to

sustain its navigating interest, by opening the widest possible range to the enterprise of individual adventurers. I repeat, that I have not alluded to these examples of a foreign state as being fit to control our own policy. In the general principle, I acquiesce. Protection, when carried to the point which is now recommended, that is, to entire prohibition, seems to me destructive of all commercial intercourse between nations. We are urged to adopt the system upon general principles; and what would be the consequence of the universal application of such a general principle, but that nations would abstain entirely from all intercourse with one another? I do not admit the general principle; on the contrary, I think freedom of trade to be the general principle, and restriction the exception. And it is for every state, taking into view its own condition, to judge of the propriety, in any case, of making an exception, constantly preferring, as I think all wise governments will, not to depart without urgent reason from the general rule.

There is another point in the existing policy of England to which I would most earnestly invite the attention of the committee; I mean the warehouse system, or what we usually call the system of drawback. Very great prejudices appear to me to exist with us on that subject. We seem averse to the extension of the principle. The English government, on the contrary, appear to have carried it to the extreme of liberality. They have arrived, however, at their present opinions and present practice by slow degrees. The transit system was commenced about the year 1803, but the first law was partial and limited. It admitted the importation of raw materials for exportation, but it excluded almost every sort of manufactured goods. This was done for the same reason that we propose to prevent the transit of Canadian wheat through the United States, the fear of aiding the competition of the foreign article with our own in foreign markets. Better reflection or more experience has induced them to abandon that mode of reasoning, and to consider all such means of influencing foreign markets as nugatory; since, in the present active and enlightened state of the world, nations will supply themselves from the best sources, and the true policy of all producers, whether of raw materials or of manufactured articles, is, not vainly to endeavor to keep other vendors out of the market, but to conquer them in it by

the quality and the cheapness of their articles. The present policy of England, therefore, is to allure the importation of commodities into England, there to be deposited in English warehouses, thence to be exported in assorted cargoes, and thus enabling her to carry on a general export trade to all quarters of the globe. Articles of all kinds, with the single exception of tea, may be brought into England, from any part of the world, in foreign as well as British ships, there warehoused, and again exported, at the pleasure of the owner, without the payment of any duty or government charge whatever.

While I am upon this subject, I would take notice also of the recent proposition in the English Parliament to abolish the tax on imported wool; and it is observable that those who support this proposition give the same reasons that have been offered here, within the last week, against the duty which we propose on the same article. They say that their manufacturers require a cheap and coarse wool, for the supply of the Mediterranean and Levant trade, and that, without a more free admission of the wool of the Continent, that trade will all fall into the hands of the Germans and Italians, who will carry it on through Leghorn and Trieste. While there is this duty on foreign wool to protect the woolgrowers of England, there is, on the other hand, a prohibition on the exportation of the native article in aid of the manufacturers. The opinion seems to be gaining strength, that the true policy is to abolish both.

Laws have long existed in England preventing the emigration of artisans and the exportation of machinery; but the policy of these, also, has become doubted, and an inquiry has been instituted in Parliament into the expediency of repealing them. As to the emigration of artisans, say those who disapprove the laws, if that were desirable, no law could effect it; and as to the exportation of machinery, let us make it and export it as we would any other commodity. If France is determined to spin and weave her own cotton, let us, if we may, still have the benefit of furnishing the machinery.

I have stated these things, Sir, to show what seems to be the general tone of thinking and reasoning on these subjects in that country, the example of which has been so much pressed upon us. Whether the present policy of England be right or wrong, wise or unwise, it cannot, as it seems clearly to me, be quoted

as an authority for carrying further the restrictive and exclusive system, either in regard to manufactures or trade. To reëstablish a sound currency, to meet at once the shock, tremendous as it was, of the fall of prices, to enlarge her capacity for foreign trade, to open wide the field of individual enterprise and competition, and to say plainly and distinctly that the country must relieve itself from the embarrassments which it felt, by economy, frugality, and renewed efforts of enterprise, — these appear to be the general outline of the policy which England has pursued.

Mr. Chairman, I will now proceed to say a few words upon a topic, but for the introduction of which into this debate I should not have given the committee on this occasion the trouble of hearing me. Some days ago, I believe it was when we were settling the controversy between the oil-merchants and the tallow-chandlers, the *balance of trade* made its appearance in debate, and I must confess, Sir, that I spoke of it, or rather spoke to it, somewhat freely and irreverently. I believe I used the hard names which have been imputed to me, and I did it simply for the purpose of laying the spectre, and driving it back to its tomb. Certainly, Sir, when I called the old notion on this subject nonsense, I did not suppose that I should offend any one, unless the dead should happen to hear me. All the living generation, I took it for granted, would think the term very properly applied. In this, however, I was mistaken. The dead and the living rise up together to call me to account, and I must defend myself as well as I am able.

Let us inquire, then, Sir, what is meant by an unfavorable balance of trade, and what the argument is, drawn from that source. By an unfavorable balance of trade, I understand, is meant that state of things in which importation exceeds exportation. To apply it to our own case, if the value of goods imported exceed the value of those exported, then the balance of trade is said to be against us, inasmuch as we have run in debt to the amount of this difference. Therefore it is said, that, if a nation continue long in a commerce like this, it must be rendered absolutely bankrupt. It is in the condition of a man that buys more than he sells; and how can such a traffic be maintained without ruin? Now, Sir, the whole fallacy of this argument consists in supposing, that, whenever the value of imports

exceeds that of exports, a debt is necessarily created to the extent of the difference, whereas, ordinarily, the import is no more than the result of the export, augmented in value by the labor of transportation. The excess of imports over exports, in truth, usually shows the gains, not the losses, of trade; or, in a country that not only buys and sells goods, but employs ships in carrying goods also, it shows the profits of commerce, and the earnings of navigation. Nothing is more certain than that, in the usual course of things, and taking a series of years together, the value of our imports is the aggregate of our exports and our freights. If the value of commodities imported in a given instance did not exceed the value of the outward cargo, with which they were purchased, then it would be clear to every man's common sense, that the voyage had not been profitable. If such commodities fell far short in value of the cost of the outward cargo, then the voyage would be a very losing one; and yet it would present exactly that state of things, which, according to the notion of a balance of trade, can alone indicate a prosperous commerce. On the other hand, if the return cargo were found to be worth much more than the outward cargo, while the merchant, having paid for the goods exported, and all the expenses of the voyage, finds a handsome sum yet in his hands, which he calls profits, the balance of trade is still against him, and, whatever he may think of it, he is in a very bad way. Although one individual or all individuals gain, the nation loses; while all its citizens grow rich, the country grows poor. This is the doctrine of the balance of trade.

Allow me, Sir, to give an instance tending to show how unaccountably individuals deceive themselves, and imagine themselves to be somewhat rapidly mending their condition, while they ought to be persuaded that, by that infallible standard, the balance of trade, they are on the high road to ruin. Some years ago, in better times than the present, a ship left one of the towns of New England with 70,000 specie dollars. She proceeded to Mocha, on the Red Sea, and there laid out these dollars in coffee, drugs, spices, and other articles procured in that market. With this new cargo she proceeded to Europe; two thirds of it were sold in Holland for $130,000, which the ship brought back, and placed in the same bank from the vaults of which she had taken her original outfit. The other third was sent to the

ports of the Mediterranean, and produced a return of $25,000 in specie, and $15,000 in Italian merchandise. These sums together make $170,000 imported, which is $100,000 more than was exported, and is therefore proof of an unfavorable balance of trade, to that amount, in this adventure. We should find no great difficulty, Sir, in paying off our balances, if this were the nature of them all.

The truth is, Mr. Chairman, that all these obsolete and exploded notions had their origin in very mistaken ideas of the true nature of commerce. Commerce is not a gambling among nations for a stake, to be won by some and lost by others. It has not the tendency necessarily to impoverish one of the parties to it, while it enriches the other; all parties gain, all parties make profits, all parties grow rich, by the operations of just and liberal commerce. If the world had but one clime and but one soil; if all men had the same wants and the same means, on the spot of their existence, to gratify those wants, — then, indeed, what one obtained from the other by exchange would injure one party in the same degree that it benefited the other; then, indeed, there would be some foundation for the balance of trade. But Providence has disposed our lot much more kindly. We inhabit a various earth. We have reciprocal wants, and reciprocal means for gratifying one another's wants. This is the true origin of commerce, which is nothing more than an exchange of equivalents, and, from the rude barter of its primitive state, to the refined and complex condition in which we see it, its principle is uniformly the same, its only object being, in every stage, to produce that exchange of commodities between individuals and between nations which shall conduce to the advantage and to the happiness of both. Commerce between nations has the same essential character as commerce between individuals, or between parts of the same nation. Cannot two individuals make an interchange of commodities which shall prove beneficial to both, or in which the balance of trade shall be in favor of both? If not, the tailor and the shoemaker, the farmer and the smith, have hitherto very much misunderstood their own interests. And with regard to the internal trade of a country, in which the same rule would apply as between nations, do we ever speak of such an intercourse as prejudicial to one side because it is useful to the other? Do we ever hear that, because the intercourse between

New York and Albany is advantageous to one of those places, it must therefore be ruinous to the other?

May I be allowed, Sir, to read a passage on this subject from the observations of a gentleman, in my opinion one of the most clear and sensible writers and speakers of the age upon subjects of this sort?* "There is no political question on which the prevalence of false principles is so general, as in what relates to the nature of commerce and to the pretended balance of trade; and there are few which have led to a greater number of practical mistakes, attended with consequences extensively prejudicial to the happiness of mankind. In this country, our Parliamentary proceedings, our public documents, and the works of several able and popular writers, have combined to propagate the impression, that we are indebted for much of our riches to what is called the balance of trade." "Our true policy would surely be to profess, as the object and guide of our commercial system, that which every man who has studied the subject must know to be the true principle of commerce, the interchange of reciprocal and equivalent benefit. We may rest assured that it is not in the nature of commerce to enrich one party at the expense of the other. This is a purpose at which, if it were practicable, we ought not to aim; and which, if we aimed at, we could not accomplish." These remarks, I believe, Sir, were written some ten or twelve years ago. They are in perfect accordance with the opinions advanced in more elaborate treatises, and now that the world has returned to a state of peace, and commerce has resumed its natural channels, and different nations are enjoying, or seeking to enjoy, their respective portions of it, all see the justness of these ideas; all see, that, in this day of knowledge and of peace, there can be no commerce between nations but that which shall benefit all who are parties to it.

If it were necessary, Mr. Chairman, I might ask the attention of the committee to refer to a document before us, on this subject of the balance of trade. It will be seen by reference to the accounts, that, in the course of the last year, our total export to Holland exceeded two millions and a half; our total import from the same country was but seven hundred thousand dollars. Now, can any man be wild enough to make any inference from this as to the

* Mr. Huskisson, President of the English Board of Trade.

gain or loss of our trade with Holland for that year? Our trade with Russia for the same year produced a balance the other way; our import being two millions, and our export but half a million. But this has no more tendency to show the Russian trade a losing trade, than the other statement has to show that the Dutch trade has been a gainful one. Neither of them, by itself, proves any thing.

Springing out of this notion of a balance of trade, there is another idea, which has been much dwelt upon in the course of this debate; that is, that we ought not to buy of nations who do not buy of us; for example, that the Russian trade is a trade disadvantageous to the country, and ought to be discouraged, because, in the ports of Russia, we buy more than we sell. Now allow me to observe, in the first place, Sir, that we have no account showing how much we do sell in the ports of Russia. Our official returns show us only what is the amount of our direct trade with her ports. But then we all know that the proceeds of another portion of our exports go to the same market, though indirectly. We send our own products, for example, to Cuba, or to Brazil; we there exchange them for the sugar and the coffee of those countries, and these articles we carry to St. Petersburg, and there sell them Again; our exports to Holland and Hamburg are connected directly or indirectly with our imports from Russia. What difference does it make, in sense or reason, whether a cargo of iron be bought at St. Petersburg, by the exchange of a cargo of tobacco, or whether the tobacco has been sold on the way, in a better market, in a port of Holland, the money remitted to England, and the iron paid for by a bill on London? There might indeed have been an augmented freight, there might have been some saving of commissions, if tobacco had been in brisk demand in the Russian market. But still there is nothing to show that the whole voyage may not have been highly profitable. That depends upon the original cost of the article here, the amount of freight and insurance to Holland, the price obtained there, the rate of exchange between Holland and England, the expense, then, of proceeding to St. Petersburg, the price of iron there, the rate of exchange between that place and England, the amount of freight and insurance at home, and, finally, the value of the iron when brought to our own market. These are the calculations which

determine the fortune of the adventure; and nothing can be judged of it, one way or the other, by the relative state of our imports or exports with Holland, England, or Russia.

I would not be understood to deny, that it may often be our interest to cultivate a trade with countries that require most of such commodities as we can furnish, and which are capable also of directly supplying our own wants. This is the original and the simplest form of all commerce, and is no doubt highly beneficial. Some countries are so situated, that commerce, in this original form, or something near it, may be all that they can, without considerable inconvenience, carry on. Our trade, for example, with Madeira and the Western Islands has been useful to the country, as furnishing a demand for some portion of our agricultural products, which probably could not have been bought had we not received their products in return. Countries situated still farther from the great marts and highways of the commercial world may afford still stronger instances of the necessity and utility of conducting commerce on the original principle of barter, without much assistance from the operations of credit and exchange. All I would be understood to say is, that it by no means follows that we can carry on nothing but a losing trade with a country from which we receive more of her products than she receives of ours. Since I was supposed, the other day, in speaking upon this subject, to advance opinions which not only this country ought to reject, but which also other countries, and those the most distinguished for skill and success in commercial intercourse, do reject, I will ask leave to refer again to the discussion which I first mentioned in the English Parliament, relative to the foreign trade of that country. "With regard," says the mover* of the proposition, "to the argument employed against renewing our intercourse with the North of Europe, namely, that those who supplied us with timber from that quarter would not receive British manufactures in return, it appeared to him futile and ungrounded. If they did not send direct for our manufactures at home, they would send for them to Leipsic and other fairs of Germany. Were not the Russian and Polish merchants purchasers there to a great amount? But he would never admit the prin-

* The Marquess of Lansdowne.

ciple, that a trade was not profitable because we were obliged to carry it on with the precious metals, or that we ought to renounce it, because our manufactures were not received by the foreign nation in return for its produce. Whatever we received must be paid for in the produce of our land and labor, directly or circuitously, and he was glad to have the noble Earl's* marked concurrence in this principle."

Referring ourselves again, Sir, to the analogies of common life, no one would say that a farmer or a mechanic should buy *only* where he can do so by the exchange of his own produce, or of his own manufacture. Such exchange may be often convenient; and, on the other hand, the cash purchase may be often more convenient. It is the same in the intercourse of nations. Indeed, Mr. Speaker has placed this argument on very clear grounds. It was said, in the early part of the debate, that, if we cease to import English cotton fabrics, England will no longer continue to purchase our cotton. To this Mr. Speaker replied, with great force and justice, that, as she must have cotton in large quantities, she will buy the article where she can find it best and cheapest; and that it would be quite ridiculous in her, manufacturing as she still would be, for her own vast consumption and the consumption of millions in other countries, to reject our uplands because we had learned to manufacture a part of them for ourselves. Would it not be equally ridiculous in us, if the commodities of Russia were both cheaper and better suited to our wants than could be found elsewhere, to abstain from commerce with her, because she will not receive in return other commodities which we have to sell, but which she has no occasion to buy?

Intimately connected, Sir, with this topic, is another which has been brought into the debate; I mean the evil so much complained of, the exportation of specie. We hear gentlemen imputing the loss of market at home to a want of money, and this want of money to the exportation of the precious metals. We hear the India and China trade denounced, as a commerce conducted on our side, in a great measure, with gold and silver. These opinions, Sir, are clearly void of all just foundation, and

* Lord Liverpool.

we cannot too soon get rid of them. There are no shallower reasoners than those political and commercial writers who would represent it to be the only true and gainful end of commerce, to accumulate the precious metals. These are articles of use, and articles of merchandise, with this additional circumstance belonging to them, that they are made, by the general consent of nations, the standard by which the value of all other merchandise is to be estimated. In regard to weights and measures, something drawn from external nature is made a common standard, for the purposes of general convenience; and this is precisely the office performed by the precious metals, in addition to those uses to which, as metals, they are capable of being applied. There may be of these too much or too little in a country at a particular time, as there may be of any other articles. When the market is overstocked with them, as it often is, their exportation becomes as proper and as useful as that of other commodities, under similar circumstances. We need no more repine, when the dollars which have been brought here from South America are despatched to other countries, than when coffee and sugar take the same direction. We often deceive ourselves, by attributing to a scarcity of money that which is the result of other causes. In the course of this debate, the honorable member from Pennsylvania* has represented the country as full of every thing but money. But this I take to be a mistake. The agricultural products, so abundant in Pennsylvania, will not, he says, sell for money; but they will sell for money as quick as for any other article which happens to be in demand. They will sell for money, for example, as easily as for coffee or for tea, at the prices which properly belong to those articles. The mistake lies in imputing that to want of money which arises from want of demand. Men do not buy wheat because they have money, but because they want wheat. To decide whether money be plenty or not, that is, whether there be a large portion of capital unemployed or not, when the currency of a country is metallic, we must look, not only to the prices of commodities, but also to the rate of interest. A low rate of interest, a facility of obtaining money on loans, a disposition to invest in permanent stocks, all of

* Mr. Tod.

which are proofs that money is plenty, may nevertheless often denote a state not of the highest prosperity. They may, and often do, show a want of employment for capital; and the accumulation of specie shows the same thing. We have no occasion for the precious metals as money, except for the purposes of circulation, or rather of sustaining a safe paper circulation. And whenever there is a prospect of a profitable investment abroad, all the gold and silver, except what these purposes require, will be exported. For the same reason, if a demand exist abroad for sugar and coffee, whatever amount of those articles might exist in the country, beyond the wants of its own consumption, would be sent abroad to meet that demand.

Besides, Sir, how should it ever occur to any body, that we should continue to export gold and silver, if we did not continue to import them also? If a vessel take our own products to the Havana, or elsewhere, exchange them for dollars, proceed to China, exchange them for silks and teas, bring these last to the ports of the Mediterranean, sell them there for dollars, and return to the United States; this would be a voyage resulting in the importation of the precious metals. But if she had returned from Cuba, and the dollars obtained there had been shipped direct from the United States to China, the China goods sold in Holland, and the proceeds brought home in the hemp and iron of Russia, this would be a voyage in which they were exported. Yet every body sees that both might be equally beneficial to the individual and to the public. I believe, Sir, that, in point of fact, we have enjoyed great benefit in our trade with India and China, from the liberty of going from place to place all over the world, without being obliged in the mean time to return home, a liberty not heretofore enjoyed by the private traders of England, in regard to India and China. Suppose the American ship to be at Brazil, for example; she could proceed with her dollars direct to India, and, in return, could distribute her cargo in all the various ports of Europe or America; while an English ship, if a private trader, being at Brazil, must first return to England, and then could only proceed in the direct line from England to India. This advantage our countrymen have not been backward to improve; and in the debate to which I have already so often referred, it was stated, not without some complaint of the inconvenience of exclusion, and the natural sluggishness of mo-

nopoly, that American ships were at that moment fitting out in the Thames, to supply France, Holland, and other countries on the Continent, with tea; while the East India Company would not do this of themselves, nor allow any of their fellow-countrymen to do it for them.

There is yet another subject, Mr. Chairman, upon which I would wish to say something, if I might presume upon the continued patience of the committee. We hear sometimes in the House, and continually out of it, of the rate of exchange, as being one proof that we are on the downward road to ruin. Mr. Speaker himself has adverted to that topic, and I am afraid that his authority may give credit to opinions clearly unfounded, and which lead to very false and erroneous conclusions. Sir, let us see what the facts are. Exchange on England has recently risen one or one and a half per cent., partly owing, perhaps, to the introduction of this bill into Congress. Before this recent rise, and for the last six months, I understand its average may have been about seven and a half per cent. advance. Now, supposing this to be the *real*, and not merely, as it is, the nominal, par of exchange between us and England, what would it prove? Nothing, except that funds were wanted by American citizens in England for commercial operations, to be carried on either in England or elsewhere. It would not necessarily show that we were indebted to England; for, if we had occasion to pay debts in Russia or Holland, funds in England would naturally enough be required for such a purpose. Even if it did prove that a balance was due England at the moment, it would have no tendency to explain to us whether our commerce with England had been profitable or unprofitable.

But it is not true, in point of fact, that the *real* price of exchange is seven and a half per cent. advance, nor, indeed, that there is at the present moment any advance at all. That is to say, it is not true that merchants will give such an advance, or any advance, for *money* in England, beyond what they would give for the same amount, in the same currency, here. It will strike every one who reflects upon it, that, if there were a real difference of seven and a half per cent., money would be immediately shipped to England; because the expense of transportation would be far less than that difference. Or commodities of trade

would be shipped to Europe, and the proceeds remitted to England. If it could so happen, that American merchants should be willing to pay ten per cent. premium for money in England, or, in other words, that a real difference to that amount in the exchange should exist, its effects would be immediately seen in new shipments of our own commodities to Europe, because this state of things would create new motives. A cargo of tobacco, for example, might sell at Amsterdam for the same price as before; but if its proceeds, when remitted to London, were advanced, as they would be in such case, ten per cent. by the state of exchange, this would be so much added to the price, and would operate therefore as a motive for the exportation; and in this way national balances are, and always will be, adjusted.

To form any accurate idea of the true state of exchange between two countries, we must look at their currencies, and compare the quantities of gold and silver which they may respectively represent. This usually explains the state of the exchanges; and this will satisfactorily account for the apparent advance now existing on bills drawn on England. The English standard of value is gold; with us that office is performed by gold, and by silver also, at a fixed relation to each other. But our estimate of silver is rather higher, in proportion to gold, than most nations give it; it is higher, especially, than in England, at the present moment. The consequence is, that silver, which remains a legal currency with us, stays here, while the gold has gone abroad; verifying the universal truth, that, if *two* currencies be allowed to exist, of different values, that which is cheapest will fill up the whole circulation. For as much gold as will suffice to pay here a debt of a given amount, we can buy in England more silver than would be necessary to pay the same debt here; and from this difference in the value of silver arises wholly or in a great measure the present apparent difference in exchange. Spanish dollars sell now in England for four shillings and nine pence sterling per ounce, equal to one dollar and six cents. By our standard the same ounce is worth one dollar and sixteen cents, being a difference of about nine per cent. The true par of exchange, therefore, is nine per cent. If a merchant here pay one hundred Spanish dollars for a bill on England, at nominal par, in sterling money, that is for a bill of £ 22 10*s*., the proceeds of this bill, when paid in England in the legal currency,

will there purchase, at the present price of silver, one hundred and nine Spanish dollars. Therefore, if the nominal advance on English bills do not exceed nine per cent., the real exchange is not against this country; in other words, it does not show that there is any pressing or particular occasion for the remittance of funds to England.

As little can be inferred from the occasional transfer of United States stock to England. Considering the interest paid on our stocks, the entire stability of our credit, and the accumulation of capital in England, it is not at all wonderful that investments should occasionally be made in our funds. As a sort of countervailing fact, it may be stated that English stocks are now actually held in this country, though probably not to any considerable amount.

I will now proceed, Sir, to state some objections of a more general nature, to the course of Mr. Speaker's observations.

He seems to me to argue the question as if all domestic industry were confined to the production of manufactured articles; as if the employment of our own capital and our own labor, in the occupations of commerce and navigation, were not as emphatically domestic industry as any other occupation. Some other gentlemen, in the course of the debate, have spoken of the price paid for every foreign manufactured article as so much given for the encouragement of foreign labor, to the prejudice of our own. But is not every such article the product of our own labor as truly as if we had manufactured it ourselves? Our labor has earned it, and paid the price for it. It is so much added to the stock of national wealth. If the commodity were dollars, nobody would doubt the truth of this remark; and it is precisely as correct in its application to any other commodity as to silver. One man makes a yard of cloth at home; another raises agricultural products and buys a yard of imported cloth. Both these are equally the earnings of domestic industry, and the only questions that arise in the case are two: the first is, which is the best mode, under all the circumstances, of obtaining the article; the second is, how far this first question is proper to be decided by government, and how far it is proper to be left to individual discretion. There is no foundation for the distinction which attributes to certain employments the peculiar

appellation of American industry; and it is, in my judgment, extremely unwise to attempt such discriminations.

We are asked, What nations have ever attained eminent prosperity without encouraging manufactures? I may ask, What nation ever reached the like prosperity without promoting foreign trade? I regard these interests as closely connected, and am of opinion that it should be our aim to cause them to flourish together. I know it would be very easy to promote manufactures, at least for a time, but probably for a short time only, if we might act in disregard of other interests. We could cause a sudden transfer of capital, and a violent change in the pursuits of men. We could exceedingly benefit some classes by these means. But what, then, becomes of the interests of others? The power of collecting revenue by duties on imports, and the habit of the government of collecting almost its whole revenue in that mode, will enable us, without exceeding the bounds of moderation, to give great advantages to those classes of manufactures which we may think most useful to promote at home. What I object to is the immoderate use of the power, — exclusions and prohibitions; all of which, as I think, not only interrupt the pursuits of individuals, with great injury to themselves and little or no benefit to the country, but also often divert our own labor, or, as it may very properly be called, our own domestic industry, from those occupations in which it is well employed and well paid, to others in which it will be worse employed and worse paid. For my part, I see very little relief to those who are likely to be deprived of their employments, or who find the prices of the commodities which they need, raised, in any of the alternatives which Mr. Speaker has presented. It is nothing to say that they may, if they choose, continue to buy the foreign article; the answer is, the price is augmented: nor that they may use the domestic article; the price of that also is increased. Nor can they supply themselves by the substitution of their own fabric. How can the agriculturist make his own iron? How can the ship-owner grow his own hemp?

But I have a yet stronger objection to the course of Mr. Speaker's reasoning; which is, that he leaves out of the case all that has been already done for the protection of manufactures, and argues the question as if those interests were now for the

first time to receive aid from duties on imports. I can hardly express the surprise I feel that Mr. Speaker should fall into the common mode of expression used elsewhere, and ask if we will give our manufacturers no protection. Sir, look to the history of our laws; look to the present state of our laws. Consider that our whole revenue, with a trifling exception, is collected at the custom-house, and always has been; and then say what propriety there is in calling on the government for protection, as if no protection had heretofore been afforded. The real question before us, in regard to all the important clauses of the bill, is not whether we will *lay* duties, but whether we will *augment* duties. The demand is for something more than exists, and yet it is pressed as if nothing existed. It is wholly forgotten that iron and hemp, for example, already pay a very heavy and burdensome duty; and, in short, from the general tenor of Mr. Speaker's observations, one would infer that, hitherto, we had rather taxed our own manufactures than fostered them by taxes on those of other countries. We hear of the fatal policy of the tariff of 1816; and yet the law of 1816 was passed avowedly for the benefit of manufacturers, and, with very few exceptions, imposed on imported articles very great additions of tax; in some important instances, indeed, amounting to a prohibition.

Sir, on this subject, it becomes us at least to understand the real posture of the question. Let us not suppose that we are *beginning* the protection of manufactures, by duties on imports. What we are asked to do is, to render those duties much higher, and therefore, instead of dealing in general commendations of the benefits of protection, the friends of the bill, I think, are bound to make out a fair case for each of the manufactures which they propose to benefit. The government has already done much for their protection, and it ought to be presumed to have done enough, unless it be shown, by the facts and considerations applicable to each, that there is a necessity for doing more.

On the general question, Sir, allow me to ask if the doctrine of prohibition, as a general doctrine, be not preposterous. Suppose all nations to act upon it; they would be prosperous, then, according to the argument, precisely in the proportion in which they abolished intercourse with one another. The less of mutual commerce the better, upon this hypothesis. Protection and encouragement may be, and doubtless are, sometimes, wise and

beneficial, if kept within proper limits; but when carried to an extravagant height, or the point of prohibition, the absurd character of the system manifests itself. Mr. Speaker has referred to the late Emperor Napoleon, as having attempted to naturalize the manufacture of cotton in France. He did not cite a more extravagant part of the projects of that ruler, that is, his attempt to naturalize the growth of that plant itself, in France; whereas, we have understood that considerable districts in the South of France, and in Italy, of rich and productive lands, were at one time withdrawn from profitable uses, and devoted to raising, at great expense, a little bad cotton. Nor have we been referred to the attempts, under the same system, to make sugar and coffee from common culinary vegetables; attempts which served to fill the print-shops of Europe, and to show us how easy is the transition from what some think sublime to that which all admit to be ridiculous. The folly of some of these projects has not been surpassed, nor hardly equalled, unless it be by the philosopher in one of the satires of Swift, who so long labored to extract sunbeams from cucumbers.

The poverty and unhappiness of Spain have been attributed to the want of protection to her own industry. If by this it be meant that the poverty of Spain is owing to bad government and bad laws, the remark is, in a great measure, just. But these very laws are bad because they are restrictive, partial, and prohibitory. If prohibition were protection, Spain would seem to have had enough of it. Nothing can exceed the barbarous rigidity of her colonial system, or the folly of her early commercial regulations. Unenlightened and bigoted legislation, the multitude of holidays, miserable roads, monopolies on the part of government, restrictive laws, that ought long since to have been abrogated, are generally, and I believe truly, reckoned the principal causes of the bad state of the productive industry of Spain. Any partial improvement in her condition, or increase of her prosperity, has been, in all cases, the result of relaxation, and the abolition of what was intended for favor and protection.

In short, Sir, the general sense of this age sets, with a strong current, in favor of freedom of commercial intercourse, and unrestrained individual action. Men yield up their notions of monopoly and restriction, as they yield up other prejudices, slowly and reluctantly; but they cannot withstand the general tide of opinion.

Let me now ask, Sir, what relief this bill proposes to some of those great and essential interests of the country, the condition of which has been referred to as proof of national distress; and which condition, although I do not think it makes out a case of *distress*, yet does indicate depression.

And first, Sir, as to our foreign trade. Mr. Speaker has stated that there has been a considerable falling off in the tonnage employed in that trade. This is true, lamentably true. In my opinion, it is one of those occurrences which ought to arrest our immediate, our deep, our most earnest attention. What does this bill propose for its relief? It proposes nothing but new burdens. It proposes to diminish its employment, and it proposes, at the same time, to augment its expense, by subjecting it to heavier taxation. Sir, there is no interest, in regard to which a stronger case for protection can be made out, than the navigating interest. Whether we look at its present condition, which is admitted to be depressed, the number of persons connected with it, and dependent upon it for their daily bread, or its importance to the country in a political point of view, it has claims upon our attention which cannot be surpassed. But what do we propose to do for it? I repeat, Sir, simply to burden and to tax it. By a statement which I have already submitted to the committee, it appears that the shipping interest pays, annually, more than half a million of dollars in duties on articles used in the construction of ships. We propose to add nearly, or quite, fifty per cent. to this amount, at the very moment that we appeal to the languishing state of this interest as a proof of national distress. Let it be remembered that our shipping employed in foreign commerce has, at this moment, not the shadow of government protection. It goes abroad upon the wide sea to make its own way, and earn its own bread, in a professed competition with the whole world. Its resources are its own frugality, its own skill, its own enterprise. It hopes to succeed, if it shall succeed at all, not by extraordinary aid of government, but by patience, vigilance, and toil. This right arm of the nation's safety strengthens its own muscle by its own efforts, and by unwearied exertion in its own defence becomes strong for the defence of the country.

No one acquainted with this interest can deny that its situation, at this moment, is extremely critical. We have left it

hitherto to maintain itself or perish; to swim if it can, and to sink if it must. But at this moment of its apparent struggle, can we as men, can we as patriots, add another stone to the weight that threatens to carry it down? Sir, there is a limit to human power, and to human effort. I know the commercial marine of this country can do almost every thing, and bear almost every thing. Yet some things are impossible to be done, and some burdens may be impossible to be borne; and as it was the last ounce that broke the back of the camel, so the last tax, although it were even a small one, may be decisive as to the power of our marine to sustain the conflict in which it is now engaged with all the commercial nations on the globe.

Again, Mr. Chairman, the failures and the bankruptcies which have taken place in our large cities have been mentioned as proving the little success attending *commerce*, and its general decline. But this bill has no balm for those wounds. It is very remarkable, that when the losses and disasters of certain manufacturers, those of iron, for instance, are mentioned, it is done for the purpose of invoking aid for the distressed. Not so with the losses and disasters of commerce; these last are narrated, and not unfrequently much exaggerated, to prove the ruinous nature of the employment, and to show that it ought to be abandoned, and the capital engaged in it turned to other objects.

It has been often said, Sir, that our manufacturers have to contend, not only against the natural advantages of those who produce similar articles in foreign countries, but also against the action of foreign governments, who have great political interest in aiding their own manufactures to suppress ours. But have not these governments as great an interest to cripple our marine, by preventing the growth of our commerce and navigation? What is it that makes us the object of the highest respect, or the most suspicious jealousy, to foreign states? What is it that most enables us to take high relative rank among the nations? I need not say that this results, more than from any thing else, from that quantity of military power which we can cause to be water-borne, and from that extent of commerce which we are able to maintain throughout the world.

Mr. Chairman, I am conscious of having detained the committee much too long with these observations. My apology for

now proceeding to some remarks upon the particular clauses of the bill is, that, representing a district at once commercial and highly manufacturing, and being called upon to vote upon a bill containing provisions so numerous and so various, I am naturally desirous to state as well what I approve, as what I would reject.

The first section proposes an augmented duty upon woollen manufactures. This, if it were unqualified, would no doubt be desirable to those who are engaged in that business. I have myself presented a petition from the woollen manufacturers of Massachusetts, praying an augmented *ad valorem* duty upon imported woollen cloths; and I am prepared to accede to that proposition, to a reasonable extent. But then this bill proposes, also, a very high duty upon imported wool; and, as far as I can learn, a majority of the manufacturers are at least extremely doubtful whether, taking these two provisions together, the state of the law is not better for them now than it would be if this bill should pass. It is said, this tax on raw wool will benefit the agriculturist; but I know it to be the opinion of some of the best informed of that class, that it will do them more hurt than good. They fear it will check the manufacturer, and consequently check his demand for their article. The argument is, that a certain quantity of coarse wool, cheaper than we can possibly furnish, is necessary to enable the manufacturer to carry on the general business, and that if this cannot be had, the consequence will be, not a greater, but a less, manufacture of our own wool. I am aware that very intelligent persons differ upon this point; but if we may safely infer from that difference of opinion, that the proposed benefit is at least doubtful, it would be prudent perhaps to abstain from the experiment. Certain it is, that the same reasoning has been employed, as I have before stated, on the same subject, when a renewed application was made to the English Parliament to repeal the duty on imported wool, I believe scarcely two months ago; those who supported the application pressing urgently the necessity of an unrestricted use of the cheap, imported raw material, with a view to supply with coarse cloths the markets of warm climates, such as those of Egypt and Turkey, and especially a vast newly created demand in the South American states.

As to the manufactures of cotton, it is agreed, I believe, that

they are generally successful. It is understood that the present existing duty operates pretty much as a prohibition over those descriptions of fabrics to which it applies. The proposed alteration would probably enable the American manufacturer to commence competition with higher-priced fabrics; and so, perhaps, would an augmentation less than is here proposed. I consider the cotton manufactures not only to have reached, but to have passed, the point of competition. I regard their success as certain, and their growth as rapid as the most impatient could well expect. If, however, a provision of the nature of that recommended here were thought necessary, to commence new operations in the same line of manufacture, I should cheerfully agree to it, if it were not at the cost of sacrificing other great interests of the country. I need hardly say, that whatever promotes the cotton and woollen manufactures promotes most important interests of my constituents. They have a great stake in the success of those establishments, and, as far as those manufactures are concerned, would be as much benefited by the provisions of this bill as any part of the community. It is obvious, too, I should think, that, for some considerable time, manufactures of this sort, to whatever magnitude they may rise, will be principally established in those parts of the country where population is most dense, capital most abundant, and where the most successful beginnings have already been made.

But if these be thought to be advantages, they are greatly counterbalanced by other advantages enjoyed by other portions of the country. I cannot but regard the situation of the West as highly favorable to human happiness. It offers, in the abundance of its new and fertile lands, such assurances of permanent property and respectability to the industrious, it enables them to lay such sure foundations for a competent provision for their families, it makes such a nation of freeholders, that it need not envy the happiest and most prosperous of the manufacturing communities. We may talk as we will of well-fed and well-clothed day-laborers or journeymen; they are not, after all, to be compared, either for happiness or respectability, with him who sleeps under his own roof and cultivates his own fee-simple inheritance.

With respect to the proposed duty on glass, I would observe, that, upon the best means of judging which I possess, I am of

opinion that the chairman of the committee is right in stating that there is in effect a bounty upon the exportation of the British article. I think it entirely proper, therefore, to raise our own duty by such an amount as shall be equivalent to that bounty.

And here, Mr. Chairman, before proceeding to those parts of the bill to which I most strenuously object, I will be so presumptuous as to take up a challenge which Mr. Speaker has thrown down. He has asked us, in a tone of interrogatory indicative of the feeling of anticipated triumph, to mention any country in which manufactures have flourished without the aid of prohibitory laws. He has demanded if it be not policy, protection, ay, and prohibition, that have carried other states to the height of their prosperity, and whether any one has succeeded with such tame and inert legislation as ours. Sir, I am ready to answer this inquiry.

There is a country, not undistinguished among the nations, in which the progress of manufactures has been far more rapid than in any other, and yet unaided by prohibitions or unnatural restrictions. That country, the happiest which the sun shines on, is our own.

The woollen manufactures of England have existed from the early ages of the monarchy. Provisions designed to aid and foster them are in the black-letter statutes of the Edwards and the Henrys. Ours, on the contrary, are but of yesterday; and yet, with no more than the protection of existing laws, they are already at the point of close and promising competition. Sir, nothing is more unphilosophical than to refer us, on these subjects, to the policy adopted by other nations in a very different state of society, or to infer that what was judged expedient by them, in their early history, must also be expedient for us, in this early part of our own. This would be reckoning our age chronologically, and estimating our advance by our number of years; when, in truth, we should regard only the state of society, the knowledge, the skill, the capital, and the enterprise which belong to our times. We have been transferred from the stock of Europe, in a comparatively enlightened age, and our civilization and improvement date as far back as her own. Her original history is also our original history; and if, since the moment of separation, she has gone ahead of us in some respects, it may be said, without violating truth, that we have kept up in others,

and, in others again, are head ourselves. We are to legislate, then, with regard to the present actual state of society; and our own experience shows us, that, commencing manufactures at the present highly enlightened and emulous moment, we need not resort to the clumsy helps with which, in less auspicious times, governments have sought to enable the ingenuity and industry of their people to hobble along.

The English cotton manufactures began about the commencement of the last reign. Ours can hardly be said to have commenced, with any earnestness, until the application of the power-loom, in 1814, not more than ten years ago. Now, Sir, I hardly need again speak of its progress, its present extent, or its assurance of future enlargement. In some sorts of fabrics we are already exporters, and the products of our factories are, at this moment, in the South American markets. We see, then, what *can* be done without prohibition or extraordinary protection, because we see what *has* been done; and I venture to predict, that, in a few years, it will be thought wonderful that these branches of manufactures, at least, should have been thought to require additional aid from government.

Mr. Chairman, the best apology for laws of prohibition and laws of monopoly will be found in that state of society, not only unenlightened but sluggish, in which they are most generally established. Private industry, in those days, required strong provocatives, which governments were seeking to administer by these means. Something was wanted to actuate and stimulate men, and the prospects of such profits as would, in our times, excite unbounded competition, would hardly move the sloth of former ages. In some instances, no doubt, these laws produced an effect, which, in that period, would not have taken place without them. But our age is of a wholly different character, and its legislation takes another turn. Society is full of excitement; competition comes in place of monopoly; and intelligence and industry ask only for fair play and an open field. Profits, indeed, in such a state of things, will be small, but they will be extensively diffused; prices will be low, and the great body of the people prosperous and happy. It is worthy of remark, that, from the operation of these causes, commercial wealth, while it is increased beyond calculation in its general aggregate, is, at the same time, broken and diminished in its

subdivisions. Commercial prosperity should be judged of, therefore, rather from the extent of trade, than from the magnitude of its apparent profits. It has been remarked, that Spain, certainly one of the poorest nations, made very great profits on the amount of her trade; but with little other benefit than the enriching of a few individuals and companies. Profits to the English merchants engaged in the Levant and Turkey trade were formerly very great, and there were richer merchants in England some centuries ago, considering the comparative value of money, than at the present highly commercial period. When the diminution of profits arises from the extent of competition, it indicates rather a salutary than an injurious change.*

The true course then, Sir, for us to pursue, is, in my opinion, to consider what our situation is; what our means are; and how they can be best applied. What amount of population have we in comparison with our extent of soil, what amount of capital, and labor at what price? As to skill, knowledge, and enterprise, we may safely take it for granted that in these particulars we are on an equality with others. Keeping these considerations in view, allow me to examine two or three of those provisions of the bill to which I feel the strongest objections.

To begin with the article of iron. Our whole annual consumption of this article is supposed by the chairman of the committee to be forty-eight or fifty thousand tons. Let us suppose the latter. The amount of our own manufacture he estimates, I think, at seventeen thousand tons. The present duty on the imported article is $15 per ton, and as this duty causes, of course, an equivalent augmentation of the price of the home manufacture, the whole increase of price is equal to $750,000 annually. This sum we pay on a raw material, and on an absolute necessary of life. The bill proposes to raise the duty from $15 to $22.50 per ton, which would be equal to $1,125,000 on the whole annual consumption. So that, suppose the point of

* "The present equable diffusion of moderate wealth cannot be better illustrated, than by remarking that in this age many palaces and superb mansions have been pulled down, or converted to other purposes, while none have been erected on a like scale. The numberless baronial castles and mansions, in all parts of England, now in ruins, may all be adduced as examples of the decrease of inordinate wealth. On the other hand, the multiplication of commodious dwellings for the upper and middle classes of society, and the increased comforts of all ranks, exhibit a picture of individual happiness, unknown in any other age." — *Sir G. Blane's Letter to Lord Spencer, in* 1800.

prohibition which is aimed at by some gentlemen to be attained, the consumers of the article would pay this last-mentioned sum every year to the producers of it, over and above the price at which they could supply themselves with the same article from other sources. There would be no mitigation of this burden, except from the prospect, whatever that might be, that iron would fall in value, by domestic competition, after the importation should be prohibited. It will be easy, I think, to show that it cannot fall; and supposing for the present that it shall not, the result will be, that we shall pay annually the sum of $1,125,000, constantly augmented, too, by increased consumption of the article, *to support a business that cannot support itself.*

It is of no consequence to the argument, that this sum is expended at home; so it would be if we taxed the people to support any other useless and expensive establishment, to build another Capitol, for example, or incur an unnecessary expense of any sort. The question still is, Are the money, time, and labor well laid out in these cases? The present price of iron at Stockholm, I am assured by importers, is $53 per ton on board, $48 in the yard before loading, and probably not far from $40 at the mines. Freight, insurance, &c., may be fairly estimated at $15, to which add our present duty of $15 more, and these two last sums, together with the cost on board at Stockholm, give $83 as the cost of Swedes iron in our market. In fact, it is said to have been sold last year at $81.50 to $82 per ton. We perceive, by this statement, that the cost of the iron is doubled in reaching us from the mine in which it is produced. In other words, our present duty, with the expense of transportation, gives an advantage to the American over the foreign manufacturer of one hundred per cent. Why, then, cannot the iron be manufactured at home? Our ore is said to be as good, and some of it better. It is under our feet, and the chairman of the committee tells us that it might be wrought by persons who otherwise will not be employed. Why, then, is it not wrought? Nothing could be more sure of constant sale. It is not an article of changeable fashion, but of absolute, permanent necessity, and such, therefore, as would always meet a steady demand. Sir, I think it would be well for the chairman of the committee to revise his premises, for I am persuaded that there is an ingredient properly belonging to the calculation which he has mis-

stated or omitted. Swedes iron in England pays a duty, I think, of about $27 per ton; yet it is imported in considerable quantities, notwithstanding the vast capital, the excellent coal, and, more important than all perhaps, the highly improved state of inland navigation in England; although I am aware that the English use of Swedes iron may be thought to be owing in some degree to its superior quality.

Sir, the true explanation of this appears to me to lie in the different prices *of labor;* and here I apprehend is the grand mistake in the argument of the chairman of the committee. He says it would cost the nation, as a nation, nothing, to make our ore into iron. Now, I think it would cost us precisely that which we can worst afford; that is, great *labor.* Although bar-iron is very properly considered a raw material in respect to its various future uses, yet, as bar-iron, the principal ingredient in its cost is labor. Of manual labor, no nation has more than a certain quantity, nor can it be increased at will. As to some operations, indeed, its place may be supplied by machinery; but there are other services which machinery cannot perform for it, and which it must perform for itself. A most important question for every nation, as well as for every individual, to propose to itself, is, how it can best apply that quantity of labor which it is able to perform. Labor is the great producer of wealth; it moves all other causes. If it call machinery to its aid, it is still employed, not only in using the machinery, but in making it. Now, with respect to the quantity of labor, as we all know, different nations are differently circumstanced. Some need, more than any thing, work for hands, others require hands for work; and if we ourselves are not absolutely in the latter class, we are still most fortunately very near it. I cannot find that we have those idle hands, of which the chairman of the committee speaks. The price of labor is a conclusive and unanswerable refutation of that idea; it is known to be higher with us than in any other civilized state, and this is the greatest of all proofs of general happiness. Labor in this country is independent and proud. It has not to ask the patronage of capital but capital solicits the aid of labor. This is the general truth in regard to the condition of our whole population, although in the large cities there are doubtless many exceptions. The mere capacity to labor in common agricultural employments, gives to our

young men the assurance of independence. We have been asked, Sir, by the chairman of the committee, in a tone of some pathos, whether we will allow to the serfs of Russia and Sweden the benefit of making iron for us. Let me inform the gentleman, Sir, that those same serfs do not earn more than seven cents a day, and that they work in these mines for that compensation because they are serfs. And let me ask the gentleman further, whether we have any labor in this country that cannot be better employed than in a business which does not yield the laborer more than seven cents a day? This, it appears to me, is the true question for our consideration. There is no reason for saying that we will work iron because we have mountains that contain the ore. We might for the same reason dig among our rocks for the scattered grains of gold and silver which might be found there. The true inquiry is, Can we produce the article in a useful state at the same cost, or nearly at the same cost, or at any reasonable approximation towards the same cost, at which we can import it?

Some general estimates of the price and profits of labor, in those countries from which we import our iron, might be formed by comparing the reputed products of different mines, and their prices, with the number of hands employed. The mines of Danemora are said to yield about 4,000 tons, and to employ in the mines twelve hundred workmen. Suppose this to be worth $50 per ton; any one will find by computation, that the whole product would not pay, in this country, for one quarter part of the necessary labor. The whole export of Sweden was estimated, a few years ago, at 400,000 ship pounds, or about 54,000 tons. Comparing this product with the number of workmen usually supposed to be employed in the mines which produce iron for exportation, the result will not greatly differ from the foregoing. These estimates are general, and might not conduct us to a precise result; but we know, from intelligent travellers, and eyewitnesses, that the price of labor in the Swedish mines does not exceed seven cents a day.*

* The price of labor in Russia may be pretty well collected from Tooke's "View of the Russian Empire." "The workmen in the mines and the founderies are, indeed, all called master-people; but they distinguish themselves into masters, under-masters, apprentices, delvers, servants, carriers, washers, and separators. In proportion to their ability their wages are regulated, which proceed from fifteen to upwards of thirty roubles per annum. The provisions which

The true reason, Sir, why it is not our policy to compel our citizens to manufacture our own iron, is, that they are far better employed. It is an unproductive business, and they are not poor enough to be obliged to follow it. If we had more of poverty, more of misery, and something of servitude, if we had an ignorant, idle, starving population, we might set up for iron makers against the world.

The committee will take notice, Mr. Chairman, that, under our present duty, together with the expense of transportation, our manufacturers are able to supply their own immediate neighborhood; and this proves the magnitude of that substantial encouragement which these two causes concur to give. There is little or no foreign iron, I presume, used in the county of Lancaster. This is owing to the heavy expense of land carriage; and, as we recede farther from the coast, the manufacturers are still more completely secured, as to their own immediate market, against the competition of the imported article. But what they ask is to be allowed to supply the sea-coast, at such a price as shall be formed by adding to the cost at the mines the expense of land carriage to the sea; and this appears to me most unreasonable. The effect of it would be to compel the consumer to pay the cost of two land transportations; for, in the first place, the price of iron at the inland furnaces will always be found to be at, or not much below, the price of the imported article in the seaport, and the cost of transportation to the neighborhood of the furnace; and to enable the home product to hold a competition with the imported in the seaport, the cost of another transportation downward, from the furnace to the coast, must be added. Until our means of inland commerce be improved, and the charges of transportation by that means lessened, it appears to me wholly impracticable, with such duties as any one would think of proposing, to meet the wishes of the manufacturers of this article. Suppose we were to add the

they receive from the magazines are deducted from this pay." The value of the rouble at that time (1799) was about twenty-four pence sterling, or forty-five cents of our money.

"By the edict of 1799," it is added, "a laborer with a horse shall receive, daily, in summer, twenty, and in winter, twelve copecks; a laborer without a horse, in summer, ten, in winter, eight copecks."

A copeck is the hundreth part of a rouble, or about half a cent of our money. The price of labor may have risen, in some degree, since that period, but probably not much.

duty proposed by this bill, although it would benefit the capital invested in works near the sea and the navigable rivers, yet the benefit would not extend far in the interior. Where, then, are we to stop, or what limit is proposed to us?

The freight of iron has been afforded from Sweden to the United States as low as eight dollars per ton. This is not more than the price of fifty miles of land carriage. Stockholm, therefore, for the purpose of this argument, may be considered as within fifty miles of Philadelphia. Now, it is at once a just and a strong view of this case, to consider, that there are, within fifty miles of our market, vast multitudes of persons who are willing to labor in the production of this article for us, at the rate of seven cents per day, while we have no labor which will not command, upon the average, at least five or six times that amount. The question is, then, shall we buy this article of these manufacturers, and suffer our own labor to earn its greater reward, or shall we employ our own labor in a similar manufacture, and make up to it, by a tax on consumers, the loss which it must necessarily sustain.

I proceed, Sir, to the article of hemp. Of this we imported last year, in round numbers, 6,000 tons, paying a duty of $30 a ton, or $180,000 on the whole amount; and this article, it is to be remembered, is consumed almost entirely in the uses of navigation. The whole burden may be said to fall on one interest. It is said we can produce this article if we will raise the duties. But why is it not produced now? or why, at least, have we not seen some specimens? for the present is a very high duty, when expenses of importation are added. Hemp was purchased at St. Petersburg, last year, at $101.67 per ton. Charges attending shipment, &c., $14.25. Freight may be stated at $30 per ton, and our existing duty $30 more. These three last sums, being the charges of transportation, amount to a protection of near seventy-five per cent. in favor of the home manufacturer, if there be any such. And we ought to consider, also, that the price of hemp at St. Petersburg is increased by all the expense of transportation from the place of growth to that port; so that probably the whole cost of transportation, from the place of growth to our market, including our duty, is equal to the first cost of the article; or, in other words, is a protection in favor of our own product of one hundred per cent.

And since it is stated that we have great quantities of fine land for the production of hemp, of which I have no doubt, the question recurs, Why is it not produced? I speak of the water-rotted hemp, for it is admitted that that which is dew-rotted is not sufficiently good for the requisite purposes. I cannot say whether the cause be in climate, in the process of rotting, or what else, but the fact is certain, that there is no American water-rotted hemp in the market. We are acting, therefore, upon an hypothesis. Is it not reasonable that those who say that they *can* produce the article shall at least prove the truth of that allegation, before new taxes are laid on those who use the foreign commodity? Suppose this bill passes; the price of hemp is immediately raised $14.80 per ton, and this burden falls immediately on the ship-builder; and no part of it, for the present, will go for the benefit of the American grower, because he has none of the article that can be used, nor is it expected that much of it will be produced for a considerable time. Still the tax takes effect upon the imported article; and the ship-owners, to enable the Kentucky farmer to receive an additional $14 on his ton of hemp, whenever he may be able to raise and manufacture it, pay, in the mean time, an equal sum per ton into the treasury on all the imported hemp which they are still obliged to use; and this is called "protection!" Is this just or fair? A particular interest is here burdened, not only for the benefit of another particular interest, but burdened also beyond that, for the benefit of the treasury. It is said to be important for the country that this article should be raised in it; then let the country bear the expense, and pay the bounty. If it be for the good of the whole, let the sacrifice be made by the whole, and not by a part. If it be thought useful and necessary, from political considerations, to encourage the growth and manufacture of hemp, government has abundant means of doing it. It might give a direct bounty, and such a measure would, at least, distribute the burden equally; or, as government itself is a great consumer of this article, it might stipulate to confine its own purchases to the home product, so soon as it should be shown to be of the proper quality. I see no objection to this proceeding, if it be thought to be an object to encourage the production. It might easily, and perhaps properly, be provided by law, that the navy should be supplied with American hemp, the quality being

good, at any price not exceeding, by more than a given amount, the current price of foreign hemp in our market. Every thing conspires to render some such course preferable to the one now proposed. The encouragement in that way would be ample, and, if the experiment should succeed, the whole object would be gained; and if it should fail, no considerable loss or evil would be felt by any one.

I stated, some days ago, and I wish to renew the statement, what was the amount of the proposed augmentation of the duties on iron and hemp, in the cost of a vessel. Take the case of a common ship of three hundred tons, not coppered, nor copper-fastened. It would stand thus, by the present duties: —

14½ tons of iron, for hull, rigging, and anchors, at $ 15 per ton,	$ 217.50
10 tons of hemp, at $ 30,	300.00
40 bolts Russia duck, at $ 2,	80.00
20 bolts Ravens duck, at $ 1.25,	25.00
On articles of ship-chandlery, cabin furniture, hardware, &c.,	40.00
	$ 662.50

The bill proposes to add, —

$ 7.40 per ton on iron, which will be	$ 107.30
$ 14.80 per ton on hemp, equal to	148.00
And on duck, by the late amendment of the bill, say 25 per cent.,	25.00
	$ 280.30

But to the duties on iron and hemp should be added those paid on copper, whenever that article is used. By the statement which I furnished the other day, it appeared that the duties received by government on articles used in the construction of a vessel of three hundred and fifty-nine tons, with copper fastenings, amounted to $ 1,056. With the augmentations of this bill, they would be equal to $ 1,400.

Now I cannot but flatter myself, Mr. Chairman, that, before the committee will consent to this new burden upon the shipping interest, it will very deliberately weigh the probable consequences. I would again urgently solicit its attention to the con-

dition of that interest. We are told that government has protected it, by discriminating duties, and by an exclusive right to the coasting trade. But it would retain the coasting trade, by its own natural efforts, in like manner, and with more certainty, than it now retains any portion of foreign trade. The discriminating duties are now abolished, and while they existed, they were nothing more than countervailing measures; not so much designed to give our navigation an advantage over that of other nations, as to put it upon an equality; and we have, accordingly, abolished ours, when they have been willing to abolish theirs. Look to the rate of freights. Were they ever lower, or even so low? I ask gentlemen who know, whether the harbor of Charleston, and the river of Savannah, be not crowded with ships seeking employment, and finding none? I would ask the gentlemen from New Orleans, if their magnificent Mississippi does not exhibit, for furlongs, a forest of masts? The condition, Sir, of the shipping interest is not that of those who are insisting on high profits, or struggling for monopoly; but it is the condition of men content with the smallest earnings, and anxious for their bread. The freight of cotton has formerly been three pence sterling, from Charleston to Liverpool, in time of peace. It is now I know not what, or how many fractions of a penny; I think, however, it is stated at five eighths. The producers, then, of this great staple, are able, by means of this navigation, to send it, for a cent a pound, from their own doors to the best market in the world.

Mr. Chairman, I will now only remind the committee that, while we are proposing to add new burdens to the shipping interest, a very different line of policy is followed by our great commercial and maritime rival. It seems to be announced as the sentiment of the government of England, and undoubtedly it is its real sentiment, that the first of all manufactures is the manufacture of ships. A constant and wakeful attention is paid to this interest, and very important regulations, favorable to it, have been adopted within the last year, some of which I will beg leave to refer to, with the hope of exciting the notice, not only of the committee, but of all others who may feel, as I do, a deep interest in this subject. In the first place, a general amendment has taken place in the register acts, introducing many new provisions, and, among others, the following:—

A direct mortgage of the interest of a ship is allowed, without subjecting the mortgagee to the responsibility of an owner.

The proportion of interest held by each owner is exhibited in the register, thereby facilitating both sales and mortgages, and giving a new value to shipping among the moneyed classes.

Shares, in the ships of copartnerships, may be registered as joint property, and subject to the same rules as other partnership effects.

Ships may be registered in the name of trustees, for the benefit of joint-stock companies.

And many other regulations are adopted, with the same general view of rendering the mode of holding the property as convenient and as favorable as possible.

By another act, British registered vessels, of every description, are allowed to enter into the general and the coasting trade in the India seas, and may now trade to and from India, with any part of the world, except China.

By a third, all limitations and restrictions, as to latitude and longitude, are removed from ships engaged in the Southern whale-fishery. These regulations, I presume, have not been made without first obtaining the consent of the East India Company; so true is it found, that real encouragement of enterprise oftener consists, in our days, in restraining or buying off monopolies and prohibitions, than in imposing or extending them.

The trade with Ireland is turned into a free coasting trade; light duties have been reduced, and various other beneficial arrangements made, and still others proposed. I might add, that, in favor of general commerce, and as showing their confidence in the principles of liberal intercourse, the British government has perfected the warehouse system, and authorized a reciprocity of duties with foreign states, at the discretion of the Privy Council.

This, Sir, is the attention which our great rival is paying to these important subjects, and we may assure ourselves that, if we do not cherish a proper sense of our own interests, she will not only beat us, but will deserve to beat us.

Sir, I will detain you no longer. There are some parts of this bill which I highly approve; there are others in which I should acquiesce; but those to which I have now stated my

objections appear to me so destitute of all justice, so burdensome and so dangerous to that interest which has steadily enriched, gallantly defended, and proudly distinguished us, that nothing can prevail upon me to give it my support.*

* Since the delivery of this speech, an arrival has brought London papers containing the speech of the English Chancellor of the Exchequer (Mr. Robinson), on the 23d of February last, in submitting to Parliament the annual financial statement. Abundant confirmation will be found in that statement of the remarks made in the preceding speech, as to the prevailing sentiment, in the English government, on the general subject of prohibitory laws, and on the silk manufacture and the wool tax particularly.

The Judiciary*

At the first session of the Nineteenth Congress a bill was introduced into the House of Representatives, by Mr. Webster, from the Committee on the Judiciary, which proposed that the Supreme Court of the United States should thenceforth consist of a chief justice and nine associate justices, and provided for the appointment of three additional associate justices of said court, and that the seventh Judicial Circuit Court of the United States should consist of the districts of Ohio, Indiana, and Illinois; the eighth circuit, of the districts of Kentucky and Missouri; the ninth circuit, of the districts of Tennessee and Alabama; and the tenth circuit, of the districts of Louisiana and Mississippi.

It repealed so much of any act or acts of Congress as vested in the District Courts of the United States in the districts of Indiana, Illinois, Missouri, Mississippi, Alabama, and Louisiana, the powers and jurisdiction of Circuit Courts, and provided that there should be thenceforth Circuit Courts for said districts, to be composed of the justice of the Supreme Court assigned or allotted to the circuit to which such districts might respectively belong, and of the district judge of such districts.

On this bill Mr. Webster spoke as follows: —

The bill which is under the consideration of the committee is so simple in its provisions, and so unembarrassed with detail, that little or nothing in the way of explanation merely is probably expected from the committee. But the general importance of the subject, and the material change which the proposed measure embraces, demands some exposition of the reasons which have led the Committee on the Judiciary to submit it to the consideration of the House.

The occasion naturally presents two inquiries. first, whether any evils exist in the administration of justice in the courts of

* Remarks made in the House of Representatives of the United States, on the 4th of January, 1826. on the Bill to amend the Judiciary System.

the United States; and secondly, whether, if there be such evils, the proposed bill is a proper and suitable remedy. On both these points it is my duty to express the sentiments which the Committee on the Judiciary entertain. Perhaps, however, Mr. Chairman, before entering into a discussion of these two questions, I may be allowed to state something of the history of this department of the government, and to advert to the several laws which have been, from time to time, enacted respecting its organization.

The judicial power, which, by the Constitution, was to be exercised by the present government, necessarily engaged the attention of the first Congress. The subject fell into the hands of very able men, and it may well excite astonishment that the system which they prepared and recommended, and which was adopted in the hurried session of the summer of 1789, has thus far been found to fulfil, so well and for so long a time, the great purposes which it was designed to accomplish. The general success of the general system, so far, may well inspire some degree of caution in the minds of those who are called on to alter or amend it.

By the original act of September, 1789, there was to be a Supreme Court, according to the Constitution, which was to consist of six judges, and to hold two sessions a year at the seat of government. The United States, or such of them as had then adopted the Constitution, were to be divided into circuits and districts, and there was to be a District Court in each district, holden by a district judge. The districts were divided into three circuits, the Eastern, the Middle, and the Southern; and there was to be a Circuit Court in each district, to be composed of two of the justices of the Supreme Court, and the district judge for the district. This Circuit Court was to hold two sessions a year in each district, and I need not inform the committee, that the great mass of business, excepting only that of admiralty and maritime jurisdiction, belonged to the Circuit Court as a court of original jurisdiction. It entertained appeals, or writs of error, also, from the decisions of the District Courts, in all cases.

By this arrangement, then, the justices of the Supreme Court were required to hold two sessions of that court annually, at the seat of government, to hear appeals and causes removed by

writs of error; and it was required of them also, that two of them should attend in each district twice a year, to hold, with the district judge, a Circuit Court.

It was found that these duties were so burdensome, that they could not be performed. In November, 1792, the judges addressed the President on the subject, (who laid their communication before Congress,) setting forth their inability to perform the services imposed on them by law, without exertions and sacrifices too great to be expected from any men. It was, doubtless, this communication which produced the law of March, 1793, by which it was provided that one judge of the Supreme Court, with the district judge, should constitute the Circuit Court. And, inasmuch as the courts would now consist of two judges, provision was made, perhaps sufficiently awkward and inconvenient, for the case of difference of opinion. It will be observed, Mr. Chairman, that by these laws, thus far, particular justices are not assigned to particular circuits. Any two judges of the Supreme Court, under the first law, and any one, under that of 1793, with the district judge, constituted a Circuit Court. A change, or alternation, of the judges was contemplated by the law. It was accordingly provided by the act of 1793, that, in case of division of opinion, as the court consisted of but two judges, the question should be continued to the next session, and, if a different judge then appeared, and his opinion coincided with that of his predecessor, judgment should go accordingly.

And here, Mr. Chairman, I wish to observe, that, in my opinion, the original plan of holding the Circuit Courts by different judges, from time to time, was ill-judged and founded on a false analogy. It seems to have been borrowed from the English Courts of Assize and *Nisi Prius;* but the difference in the powers and jurisdiction of the judges in the two cases rendered what was proper for one not a fit model for the other. The English judges at *Nisi Prius*, so far as civil causes are concerned, have nothing to do but try questions of fact by the aid of a jury, on issues or pleadings already settled in the court from which the record proceeds. They give no final judgments; nor do they make interlocutory orders respecting the proceeding and progress of the cause. They take a verdict of the jury on the issues already joined between the parties, and give no other

directions in matters of law, than such as become necessary in the course of this trial by jury. Every case begun, therefore, is ordinarily finished. Nothing of that case remains for the judge's successor. If it be tried, the record is taken back with the verdict to Westminster Hall; if it be not tried, the whole case remains for a subsequent occasion. It is, perhaps, surprising, that the very able men who framed the first judicial act did not see the great difference between this manner of proceeding at the English Assizes, and the necessary course of proceeding in our Circuit Courts, with the powers and jurisdictions conferred on those courts. These are courts of final jurisdiction; they not only take verdicts, but give judgments. Here suits are brought, proceeded with through all their stages, tried, and finally determined. And as, in the progress of suits, especially those of equity jurisdiction, it necessarily happens that there are different stages, and successive orders become necessary from term to term, it happened, of course, that the judge was often changed before the cause was decided; he who heard the end had not heard the beginning. When to this is added, that these judges were bred in different schools, and, as to matters of practice, especially, accustomed to different usages, it will be easy to perceive that no small difficulties were to be encountered in the ordinary despatch of business. So, in cases reserved for advisement and further consideration, the judge reserving the question was not the judge to decide it. He who heard the argument was not to make the decision. Without pursuing this part of the case farther, it is quite obvious that such a system could not answer the ends of justice. The courts, indeed, were called Circuit Courts, which seemed to imply an itinerant character; but, in truth, they resembled much more, in their power and jurisdiction, the English courts sitting in bench, than the Assizes, to which they appear to have been likened.

The act of 1793, by requiring the attendance of only one, instead of two, of the judges of the Supreme Court on the circuits, of course diminished by one half the circuit labors of those judges.

We then come to the law of February, 1801. By this act, the judges of the Supreme Court were relieved from all circuit duties. Provision was made that their number should be reduced, on the first vacancy, from six to five. They were still to

hold two sessions annually of the Supreme Court, and circuit judges were appointed to hold the Circuit Court in each district. The provisions of this law are generally known, and it is not necessary to recite them particularly. It is enough to say, that, in five of the six circuits, the Circuit Court was to consist of three judges, specially appointed to constitute such court; and in the sixth, of one judge, specially appointed, and the district judge of the district.

We all know, Sir, that this law lasted but a twelvemonth. It was repealed *in toto* by the act of the 8th of March, 1802; and a new organization of the Circuit Courts was provided for by the act of the 29th of April of that year. It must be admitted, I think, Sir, that this act made considerable improvements upon the system, as it existed before the act of February, 1801. It took away the itinerary character of the Circuit Courts, by assigning particular justices to particular circuits. This, in my opinion, was a great improvement. It conformed the constitution of the court to the nature of the powers which it exercised. The same judges now heard the cause through all the stages of its progress, and the court became, what its duties properly made it, a court of record, with permanent judges, exercising a various jurisdiction, trying causes at its bar by jury, in cases proper for the intervention of a jury, and rendering final judgments. This act also provided another mode of proceeding with cases in which the two judges composing the Circuit Court should differ in opinion. It prescribed, that such difference should be stated, certified to the Supreme Court, and that that court should decide the question, and certify its decision to the Circuit Court.

In this state of things, the judicial system remained, without material change, until the year 1807, when a law was passed for the appointment of an additional judge of the Supreme Court, and a circuit allotted to him in the Western States.

It may be here observed, that, from the commencement, the system has not been uniform. From the first, there was an anomaly in it. By the original act of September, 1789, a District Court was established for Kentucky (then part of Virginia) and for Maine (then part of Massachusetts), and, in addition to the powers of District Courts, there was conferred on these all the jurisdiction which elsewhere belongs to Circuit Courts, and, in other cases, as new States were added to the Union, District

Courts were established with the powers of Circuit Courts. The same thing has happened, too, when States have been divided into two districts. There are, at present, several States which have no Circuit Court except the District Court, and there are other States which are divided into more than one district, and in some of which Districts there is but a District Court with Circuit Court jurisdiction; so that it cannot be said that the system has been at any time entirely uniform.

So much, Mr. Chairman, for the history of our legislation on the judicial department.

I am not aware, Mr. Chairman, that there is any public complaint of the operation of the present system, so far as it applies to the Atlantic States. So far as I know, justice has been administered efficiently, promptly, and satisfactorily, in all those circuits. The judges, perhaps, have a good deal of employment: but they have been able to go through their arduous duties in such manner as to leave no cause of complaint, as far as I am informed. For my own part, I am not sanguine enough to expect, as far as those circuits are concerned, that any improvement can be made. In my opinion, none is needed. But it is not so in the Western States. Here exists a great deficiency. The country has outgrown the system. This is no man's fault, nor does it impute want of usual foresight to any one. It would have seemed chimerical in the framers of the law of 1789, if they had professed to strike out a plan which should have been adequate to the exigencies of the country, as it actually exists in 1826. From a period as far back as the close of the late war, the people of the West have applied to Congress on the subject of the courts. No session of Congress has passed without an attempt, in one or the other house, to produce some change; and although various projects have been presented, the inherent difficulties of the subject have prevented any efficient action of the legislature. I will state shortly, Sir, and as nearly as I remember, what has been at different times proposed.

In the first place, it has been proposed to recur to the system of Circuit Courts, upon the principle, although not exactly after the model, of the act of February, 1801. A bill of this character passed the Senate in 1819, dividing the country into nine circuits, and providing for the appointment of one circuit judge to each circuit, who with the district judge of the district should

constitute the Circuit Court. It also provided, that the Supreme Court, as vacancies should occur, should be reduced to five members. This bill, I believe, was not acted upon in this House. Again, it has been proposed to constitute Circuit Courts by the union of the district judges in the circuit. It has been proposed, also, to extend the existing system somewhat in conformity to the object of the present bill, by adding to the number of the judges in the Supreme Court. And a different arrangement still has been suggested, which contemplates the appointment of circuit judges for some districts, and the continued performance of circuit duties by the supreme judges in others, with such legal provision as shall not attach the judges of the Supreme Court, in the performance of their circuit duties, unequally to any part of the country, but allow them to be distributed equally and fairly over the whole. This system, though somewhat complex, and perhaps liable to be misunderstood, is, I confess, what appears to me best of all suited to our condition. It would not make the Supreme Court too numerous; and it would still require from its members the performance of circuit duties; it would allow a proper distribution of these members to every part of the country; and, finally, it would furnish an adequate provision for the despatch of business in the Circuit Courts. Upon this plan, a bill was presented to the House of Representatives at the first session of the last Congress, but it did not meet with general favor; and the fate of a similar proposition elsewhere, at a subsequent period, discourages any revival of it.

I now come, Sir, to consider whether any, and what, evils exist; and then, whether the present bill be a suitable remedy. And in the first place, it is said, perhaps with some justice, that the business of the Supreme Court itself is not gone through with sufficient promptitude; that it is accumulating; that great delays are experienced, and greater delays feared. As to this, I would observe, that the annual session of the court cannot last above six or seven weeks, because it commences in February, and the circuit duties of the judges require them to leave this place the latter part of March. But I know no reason why the judges should not assemble earlier. I believe it would not materially interfere with their circuit duties, to commence the session here in the early part of January; and if that were the case.

I have little doubt that, in two years, they would clear the docket. A bill to make this change passed this House two years ago; I regret to say, it was not acted upon in the Senate.

As to returning to the original practice of having two sessions of the Supreme Court within the year, I incline to think it wholly inexpedient. The inconvenience arising from the distance of suitors and counsel from the seat of government forms a decisive objection to that proposition.

The great evil, however, Sir, at present experienced, and that which calls most loudly and imperatively for a remedy, is the state of business in the Circuit Courts in the Western States. The seventh circuit consists of Kentucky, Ohio, and Tennessee. All the other Western States have District Courts, with the powers of Circuit Courts. I am clearly of opinion, that some further provision is required of us for the administration of justice in these States. The existing means are not equal to the end. The judicial organization is not competent to exercise the jurisdiction which the laws confer upon it. There is a want of men, and a want of time. In this respect, it appears to me that our constitutional duty is very plain. The Constitution confers certain judicial powers on the government of the United States; we undertake to provide for the exercise of these powers; but the provision is inadequate, and the powers are not exercised. By the Constitution, the judicial power of this government extends, as well as to other things, to causes between citizens of different States. We open courts professedly to exercise that jurisdiction; but they are not competent to it; it is not exercised with reasonable promptitude; the suitor is delayed, and the end of the constitutional provision, in some measure, defeated. Now, it appears to me very plain, that we should either refuse to confer this jurisdiction on the courts, or that we should so constitute them that it may be efficiently exercised.

I hold, Sir, the certificate of the clerk for the District and Circuit Court of the District of Kentucky, that there are now pending in those courts nine hundred and fifty causes. As this is not a maritime district, most of these causes, doubtless, are in the Circuit Court. This accumulation has not arisen from any want of diligence in the judges themselves, for the same paper states, that two thousand causes have been disposed of within the last three years. The Memorial of the Bar of Nashville in-

forms us that one hundred and sixty cases are pending in the Circuit Court for the Western District of Tennessee; a number, perhaps, not much less, is on the docket of the court for the Eastern District of Tennessee; and I am authorized to state that two hundred or two hundred and fifty may be taken as the number of suits pending in the Circuit Court of Ohio. These three States, Sir, constitute one circuit; they extend over a wide region; the places for holding the courts are at vast distances from one another; and it is not within the power of man, that the judge assigned to this circuit should get through the duties of his station. With the state of the courts in the other Western and Southwestern States, I am not so particularly acquainted. Gentlemen from those States will make it known to the committee. I know enough, however, to be satisfied that the whole case calls for attention. It grows no better by delay, and, whatever difficulties embarrass it, we may as well meet them at once, and agree upon such remedy as shall, upon the whole, seem most expedient.

And this, Sir, brings me to the most difficult part of our inquiry; that is to say, whether such a measure as this bill proposes be the proper remedy. I beg to say, Sir, that I feel this difficulty as deeply as it can be felt by any member of the committee; and while I express my own opinions, such as they are, I shall be most happy to derive light from the greater experience, or the better intelligence, of any gentleman. To me it appears, that we are brought to the alternative of deciding between something like what this bill proposes, and the Circuit Court system, as provided in the bill of the Senate in 1819. As a practical question, I think it has come to this point: Shall we extend the present system, by increasing the number of the judges, or shall we recur to the system of Circuit Courts? I invoke the attention of the committee to this question, because, thinking the one or the other inevitable, I wish for the mature judgment of the House on both.

In favor of the Circuit Court system, it may be said, that it is uniform, and may be made to apply to all the States equally; so that if new States come into the Union, Circuit Courts may be provided for them without derangement to the general organization. This, doubtless, is a consideration entitled to much weight. It is said, also, that by separating the judges of the Supreme Court from the circuits, we shall leave them ample

time for the discharge of the high duties of their appellate jurisdiction. This, no doubt, is true; but then, whether it be desirable, upon the whole, to withdraw the judges of the Supreme Court from the circuits, and to confine their labors entirely to the sessions at Washington, is a question which has most deeply occupied my reflections, and in regard to which I am free to confess some change has been wrought in my opinions. With entire respect for the better judgment of others, and doubting, therefore, when I find myself differing from those who are wiser and more experienced, I am still constrained to say, that my judgment is against withdrawing the judges of the Supreme Court from the circuits, if it can be avoided. The reasons which influence this sentiment are general, and perhaps may be thought too indefinite and uncertain to serve as a guide in measures of public importance; they nevertheless appear to me to have weight, and I will state them with frankness, in the hope that, if they are without reasonable foundation, they will be shown to be so, when certainly I shall cheerfully relinquish them.

In the first place, it appears to me that such an intercourse as the judges of the Supreme Court are enabled to have with the profession, and with the people, in their respective circuits, is itself an object of no inconsiderable importance. It naturally inspires respect and confidence, and it produces a reciprocal communication of information through all the branches of the judicial department. This leads to a harmony of opinion and of action. The Supreme Court, by itself, is in some measure insulated; it has not frequent occasions of contact with the community. The bar that attends it is neither numerous nor regular in its attendance. The gentlemen who appear before it, in the character of counsel, come for the occasion, and depart with the occasion. The profession is occupied mainly in the objects which engage it in its own domestic forums; it belongs to the States, and their tribunals furnish its constant and principal theatre. If the judges of the Supreme Court, therefore, are wholly withdrawn from the circuits, it appears to me there is danger of leaving them without the means of useful intercourse with other judicial characters, with the profession of which they are members, and with the public. But, without pursuing these general reflections, I would say, in the second place, that I think it useful that judges should see in practice

the operation and effect of their own decisions. This will prevent theory from running too far, or refining too much. We find, in legislation, that general provisions of law, however cautiously expressed, often require limitation and modification. Something of the same sort takes place in judicature. However beautiful may be the theory of general principles, such is the infinite variety of human affairs, that those most practised in them and conversant with them see at every turn a necessity of imposing restraints and qualifications on such principles. The daily application of their own doctrines will necessarily inspire courts with caution; and, by a knowledge of what takes place upon the circuits and occurs in constant practice, they will be able to decide finally, without the imputation of having overlooked, or not understood, any of the important elements and ingredients of a just decision.

But further, Sir, I must take the liberty of saying, that, in regard to the judicial office, constancy of employment is of itself, in my judgment, a good, and a great good. I appeal to the conviction of the whole profession, if, as a general rule, they do not find that those judges who decide most causes decide them best. Exercise strengthens and sharpens the faculties in this more than in almost any other employment. I would have the judicial office filled by him who is wholly a judge, always a judge, and nothing but a judge. With proper seasons, of course, for recreation and repose, his serious thoughts should all be turned to his official duties; he should be *omnis in hoc*. I think, Sir, there is hardly a greater mistake than has prevailed occasionally in some of the States, of creating many judges, assigning them duties which occupy but a small part of their time, and then making this the ground for allowing them a small compensation. The judicial power is incompatible with any other pursuit in life; and all the faculties of every man who takes it ought to be constantly exercised, and exercised to one end. Now, Sir, it is natural, that, in reasoning on this subject, I should take my facts from what passes within my own means of observation. If I am mistaken in my premises, the conclusion, of course, ought to be rejected. But I suppose it will be safe to say, that a session of eight weeks in the year will probably be sufficient for the decision of causes in the Supreme Court; and, reasoning from what exists in one of the most considerable circuits in the

Atlantic States, I suppose that eight, ten, or at most twelve weeks, may be the average of the time requisite to be spent by a circuit judge in his court in those circuits. If this be so, then, if the courts be separated, we have supreme judges occupied two months out of twelve, and circuit judges occupied three months out of twelve. In my opinion, this is not a system either to make or to keep good judges. The Supreme Court exercises a great variety of jurisdiction. It reverses decisions at common law, in equity, and in admiralty; and with the theory and the practice of all these systems it is indispensable that the judges should be accurately and intimately acquainted. It is for the committee to judge how far the withdrawing them from the circuits, and confining them to the exercise of an appellate jurisdiction, may increase or diminish this information. But, again, Sir, we have a great variety of local laws existing in this country, which are the standard of decision where they prevail. The laws of New England, Maryland, Louisiana, and Kentucky are almost so many different codes. These laws are to be construed and administered, in many cases, in the courts of the United States. Is there any doubt that a judge coming on the bench of the Supreme Court with a familiar acquaintance with these laws, derived from daily practice and decisions, must be more able both to form his own judgment correctly, and to assist that of his brethren, than a stranger who only looks at the theory? This is a point too plain to be argued. Of the weight of the suggestion the committee will judge. It appears to me, I confess, that a court remotely situated, a stranger to these local laws in their application and practice, with whatever diligence or with whatever ability, must be liable to fall into great mistakes.

May I ask your indulgence, Mr. Chairman, to suggest one other idea. With no disposition whatever to entertain doubts as to the manner in which the executive duty of appointments shall at any time hereafter be performed, the Supreme Court is so important, that, in whatever relates to it, I am willing to make assurance doubly sure, and to adopt, therefore, whatever fairly comes in my way likely to increase the probability that able and efficient men will be placed upon that bench. Now I confess that I know nothing which I think more conducive to that end than the assigning to the members of that court important, responsible, individual duties. Whatsoever makes the individual

prominent, conspicuous, and responsible increases the probability that he will be some one possessing the proper requisites for a judge. It is one thing to give a vote upon a bench (especially if it be a numerous bench) for plaintiff or defendant, and quite another thing to act as the head of a court of various jurisdiction, civil and criminal, to conduct trials by jury, and render judgments in law, equity, and admiralty. While these duties belong to the condition of a judge on the bench, that place will not be a sinecure, nor likely to be conferred without proofs of proper qualifications. For these reasons, I am inclined to wish that the judges of the Supreme Court may not be separated from the circuits, if any other suitable provision can be made.

As to the present bill, Mr. Chairman, it will doubtless be objected, that it makes the Supreme Court too numerous. In regard to that, I am bound to say that my own opinion was, that the present exigency of the country could have been answered by the addition of two members to the court. I believe the three Northwestern States might well enough go on for some time longer, and form a circuit of themselves, perhaps, hereafter, as the population shall increase, and the state of their affairs require it. The addition of the third judge is what I assent to, rather than what I recommend. It is what I would gladly avoid, if I could with propriety. I admit that, for some causes, the court as constituted by the bill will be inconveniently large; for such, especially, as require investigation into matters of fact, such as those of equity and admiralty, and perhaps for all private causes generally. But the great and leading character of the Supreme Court, its most important duties, and its highest functions, have not yet been alluded to. It is its peculiar relation to this government and the State governments, it is the power which it rightfully holds and exercises, of revising the opinions of other tribunals on constitutional questions, as the great practical expounder of the powers of the government, which attaches to this tribunal the greatest attention, and makes it worthy of the most deliberate consideration. Duties at once so important and so delicate impose no common responsibility, and require no common talent and weight of character. A very small court seems unfit for these high functions. These duties, though essentially judicial, partake something of a political

character. The judges are called on to sit in judgment on the acts of independent States; they control the will of sovereigns; they are liable to be exposed, therefore, to the resentment of wounded sovereign pride; and from the very nature of our system, they are sometimes called on, also, to decide whether Congress has not exceeded its constitutional limits. Sir, there exists not upon the earth, and there never did exist, a judicial tribunal clothed with powers so various, and so important. I doubt the safety of rendering it small in number. My own opinion is, that, if we were to establish Circuit Courts, and to confine their judges to their duties on the bench, their number should not be at all reduced; and if, by some moderate addition to it, other important objects may well be answered, I am prepared to vote for such addition. In a government like ours, entirely popular, care should be taken in every part of the system, not only to do right, but to satisfy the community that right is done. The opinions of mankind naturally attach more respect and confidence to the decisions of a court somewhat numerous, than to those of one composed of a less number. And, for myself, I acknowledge my fear, that, if the number of the court were reduced, and its members wholly withdrawn from the circuits, it might become an object of unpleasant jealousy and great distrust.

Mr. Chairman, I suppose I need not assure the committee that, if I saw any thing in this bill which would lessen the respectability or shake the independence of the Supreme Court, I should be the last man to favor it. I look upon the judicial department of this government as its main support. I am persuaded that the Union could not exist without it. I shall oppose whatever I think calculated to disturb the fabric of government, to unsettle what is settled, or to shake the faith of honest men in the stability of the laws, or the purity of their administration. If any gentleman shall show me that any of these consequences is like to follow the adoption of this measure, I shall hasten to withdraw from it my support. But I think we are bound to do something; and shall be most happy if the wisdom of the House shall suggest a course more free from difficulties than that which is now proposed to it.

FURTHER REMARKS MADE ON THE SAME SUBJECT, ON THE 25TH OF JANUARY, 1826, IN REPLY TO THE ARGUMENTS USED AGAINST THE BILL, AND IN FAVOR OF ITS POSTPONEMENT.

I HAD not intended, Sir, to avail myself of the indulgence which is generally allowed, under circumstances like the present, of making a reply. But the House has been invited with such earnestness to postpone this measure to another year, it has been pressed, with so much apparent alarm, to give no further countenance or support now to the bill, that I reluctantly depart from my purpose, and ask leave to offer a few brief remarks upon the leading topics of the discussion.

This, Sir, must be allowed, and is, on all hands allowed, to be a measure of great and general interest. It respects that important branch of government, the judiciary; and something of a judicial tone of discussion is not unsuitable to the occasion. We cannot treat the question too calmly, or too dispassionately. For myself, I feel that I have no pride of opinion to gratify, no eagerness of debate to be indulged, no competition to be pursued. I hope I may say, without impropriety, that I am not insensible to the responsibility of my own situation as a member of the House, and a member of the committee.* I am aware of no prejudice which should draw my mind from the single and solicitous contemplation of what may be best; and I have listened attentively, through the whole course of this debate, not with the feelings of one who is meditating the means of replying to objections, or escaping from their force, but with an unaffected anxiety to give every argument its just weight, and with a perfect readiness to abandon this measure, at any moment, in favor of any other which should appear to have solid grounds of preference. But I cannot say that my opinion is altered. The measure appears to my mind in the same light as when it was first presented to the House. I then saw some inconveniences attending it, and admitted them. I see them now; but while the effect of this discussion on my own mind has not been to do away entirely the sense of these inconveniences, it has not been, on the other hand, to remove the greater objections which exist to any other plan. I remain fully con-

* Mr. Webster was Chairman of the Judiciary Committee of the House of Representatives, at this session of Congress.

vinced, that this course is, on the whole, that which is freest from difficulties. However plausible other systems may seem in their general outline, objections arise, and thicken as we go into their details. It is not now at all certain that those who are opposed to this bill are agreed as to what other measure should be preferred. On the contrary, it is certain that no plan unites them all; and they act together only on the ground of their common dissatisfaction with the proposed bill. That system which seems most favored is the circuit system, as provided for in the Senate's bill of 1819. But as to that there is not an entire agreement. One provision in that bill was, to reduce the number of the judges of the Supreme Court to five. This was a part, too, of the original resolution of amendment moved by the gentleman from Virginia;* but it was afterwards varied; probably to meet the approbation of the gentleman from Pennsylvania,† and others who preferred to keep the court at its present number. But other gentlemen who are in opposition to this bill have still recommended a reduction of that number. Now, Sir, notwithstanding such reduction was one object, or was to be one effect, of the law of 1801, was contemplated, also, in the Senate's bill of 1819, and has been again recommended by the gentleman from Virginia, and other gentlemen, yet I cannot persuade myself that any ten members of the House, upon mature reflection, would now be in favor of such reduction. It could only be made to take place when vacancies should occur on the bench, by death or resignation. Of the seven judges of which the court consists, six are now assigned to circuits in the Atlantic States; one only is attached to the Western Districts. Now, Sir, if we were to provide for a reduction, it might happen that the first vacancy would be in the situation of the single Western judge. In that event, no appointment could be made until two other vacancies should occur, which might be several years. I suppose that no man would think it just, or wise, or prudent, to make a legal provision, in consequence of which it might happen that there should be no Western judge at all on the supreme bench for several years to come. This part of the plan, therefore, was wisely abandoned by the gentleman. The court cannot be reduced; and the question is only between

* Mr. Powell. † Mr. Buchanan.

seven justices of the Supreme Court, with ten circuit judges, and ten justices of the Supreme Court, with no circuit judges.

I will take notice here of another suggestion made by the gentleman from Pennsylvania, who is generally so sober-minded and considerate in his observations, that they deserve attention, from respect to the quarter whence they proceed. That gentleman recommends that the justices of the Supreme Court should be relieved from circuit duties, as individuals, but proposes, nevertheless, that the whole court should become migratory, or ambulatory, and that its sessions should be holden, now in New York or Boston, now in Washington or Richmond, and now in Kentucky or Ohio. And it is singular enough, that this arrangement is recommended in the same speech in which the authority of a late President is cited, to prove that considerations arising from the usually advanced age of some of the judges, and their reasonable desire for repose, ought to lead us to relieve them from all circuit duties whatever. Truly, Sir, this is a strange plan of relief. Instead of holding courts in his own State, and perhaps in his own town, and visiting a neighboring State, every judge on this plan is to join every other judge, and the whole bench to make, together, a sort of judicial progress. They are to visit the North, and the South, and to ascend and descend the Alleghanies. Sir, it is impossible to talk seriously against such a proposition. To state it, is to refute it. Let me merely ask, whether, in this peregrination of the court, it is proposed that they take all their records of pending suits, and the whole calendar of causes, with them. If so, then the Kentucky client, with his counsel, is to follow the court to Boston; and the Boston client to pursue it back to Kentucky. Or is it, on the contrary, proposed that there shall be grand judicial divisions in the country, and that while at the North, for example, none but Northern appeals shall be heard? If this be intended, then I ask, How often could the court sit in each one of these divisions? Certainly, not oftener than once in two years; probably, not oftener than once in three. An appeal, therefore, might be brought before the appellate court in two or three years from the time of rendering the first judgment; and supposing judgment to be pronounced in the appellate court at the second term, it would be decided in two or three years more. But it is not necessary to examine this suggestion further. Sir,

every thing conspires to prove, that, with respect to the great duties of the Supreme Court, they must be discharged at one annual session, and that session must be holden at the seat of government. If such provision be made as that the business of the year in that court may be despatched within the year, reasonable promptitude in the administration of justice will be attained; and such provision, I believe, is practicable.

Another objection advanced by the member from Pennsylvania applies as well to the system as it now exists, as to that which will be substituted if this bill shall pass. The honorable member thinks that the appellate court and the court from which the appeal comes should, in all cases, be kept entirely distinct and separate. True principle requires, in his judgment, that the circuit judge should be excluded from any participation in the revision of his own judgments. I believe, Sir, that, in the early history of the court, the practice was for the judge whose opinion was under revision not to partake in the deliberations of the court. This practice, however, was afterwards altered, and the court resolved that it could not discharge the judge from the duty of assisting in the decision of the appeal. Whether the two courts ought to be kept so absolutely distinct and separate as the member from Pennsylvania recommends, is not so clear a question that persons competent to form an opinion may not differ upon it. On the one hand, it may very well be said, that, if the judgment appealed from has been rendered by one of the judges of the appellate court, courtesy, kindness, or sympathy may inspire some disposition in the members of the same bench to affirm that judgment; and that the general habit of the court may thus become unfriendly to a free and unbiased revision. On the other hand, it may be contended, that, if there be no medium of communication between the court of the first instance, and the court of appellate jurisdiction, there may be danger that the reasons of the first may not be always well understood, and its judgments consequently liable, sometimes, to be erroneously reversed. It certainly is not true, that the chance of justice, in an appellate court, is always precisely equal to the chance of reversing the judgment below; although it is necessary for the peace of society and the termination of litigation to take it for granted, as a general rule, that what is decided by the ultimate tribunal is decided rightly.

To guard against too great a tendency to reversals in appellate courts, it has often been thought expedient to furnish a good opportunity at least of setting forth the grounds and reasons of the original judgment. Thus, in the British House of Lords a judgment of the King's Bench is not ordinarily reversed until the judges have been called in, and the reason of their several opinions stated by themselves. Thus, too, in the Court of Errors of New York, the Chancellor and the judges are members of the court; and, although they do not vote upon the revision of their own judgments or decrees, they are expected to assign and explain the reasons of the original judgment. In the modern practice of the courts of common law, causes are constantly and daily revised on motions for new trials founded on the supposed misdirection of the judge in matter of law. In these cases the judge himself is a component member of the court, and constantly takes part in its proceedings. It certainly may happen in such cases that some bias of preconceived opinion may influence the individual judge, or some undue portion of respect for the judgment already pronounced may unconsciously mingle itself with the judgments of others. But the universality of the practice sufficiently shows that no great practical evil is experienced from this cause.

It has been said in England, that the practice of revising the opinions of judges by motions for new trial, instead of filing bills of exception and suing out writs of error, has greatly diminished the practical extent of the appellate jurisdiction of the House of Lords. This shows that suitors are not advised that they have no hope to prevail against the first opinions of individual judges, or the sympathy of their brethren. Indeed, Sir, judges of the highest rank of intellect have always been distinguished for the candor with which they reconsider their own judgments. A man who should commend himself for never having altered his opinion might be praised for firmness of purpose; but men would think of him, either that he was a good deal above all other mortals, or somewhat below the most enlightened of them. He who is not wise enough to be always right, should be wise enough to change his opinion when he finds it wrong. The consistency of a truly great man is proved by his uniform attachment to truth and principle, and his devotion to the better reason; not by obstinate attachment to first-formed notions.

Whoever has not candor enough, for good cause, to change his own opinions, is not safe authority to change the opinions of other men. But at least, Sir, the member from Pennsylvania will admit, that, if an evil in this respect exist under the present law, this bill will afford some mitigation of that evil. By augmenting the number of the judges, it diminishes the influence of the individual whose judgment may be under revision; and so far, I hope, the honorable member may himself think the measure productive of good.

But, Sir, before we postpone to another year the consideration of this bill, I beg again to remind the House that the measure is not new. It is not new in its general character; it is not entirely new in its particular provisions. The necessity of some reform in the judicial establishment of the country has been presented to every Congress, and every session of Congress, since the peace of 1815. What has been recommended, at different times, has been already frequently stated. It is enough, now, to say, that the measure of extending the system by increasing the number of the judges of the Supreme Court was presented to the House, among other measures, in 1823, by the Judiciary Committee; and that so late as the last session it received a distinct expression of approbation in the other branch of the legislature. Gentlemen have referred to the bill introduced into this House two years ago. That bill had my approbation; I so declared at the commencement of this debate. It proposed to effect the object of retaining the judges upon their circuits without increasing their number. But it was complex. It was thought to be unequal, and it was unsatisfactory. There appeared no disposition in the House to adopt it; and when the same measure in substance was afterwards proposed in the other branch of the legislature, it received the approbation of no more than a half dozen voices. This led me to make a remark, at the opening of the debate, which I have already repeated, that, in my opinion, we are brought to the narrow ground of deciding between the system of Circuit Courts and the provisions of this bill. Shall we keep the judges upon the circuits and augment their member, or shall we relieve them from circuit duties and appoint special circuit judges in their places? This, as it seems to me, is the only practical question remaining for our decision.

I do not intend, Sir, to go again into the general question of continuing the justices of the Supreme Court in the discharge of circuit duties. My opinion has been already expressed, and I have heard nothing to alter it. The honorable gentleman from Virginia does me more than justice in explaining any expression of his own which might refer this opinion to a recent origin, or to any new circumstances. I confess, Sir, that four-and-twenty years ago, when this matter was discussed in Congress, my opinion, as far as I can be supposed to have had any opinion then on such subjects, inclined to the argument that recommended the separation of the judges from the circuits. But, if I may be pardoned for referring to any thing so little worthy the regard of the House as my own experience, I will say that that experience early led me to doubt the correctness of the first impression, and that I became satisfied that it was desirable in itself that the judges of the Supreme Court should remain in the active discharge of the duties of the circuits. I have acted in conformity to this sentiment so often as this subject has been before Congress in the short periods that I have been a member. I still feel the same conviction; and though I shall certainly yield the point, rather than that no provision for the existing exigency should be made, yet I should feel no inconsiderable pain in submitting to such necessity. I do not doubt, indeed, Sir, that, if the judges were separated from circuit duties, we should go on very well for some years to come. But looking to it as a permanent system, I view it with distrust and anxiety.

My reasons are already before the House. I am not about to repeat them. I beg to take this occasion, however, to correct one or two misapprehensions of my meaning into which gentlemen have fallen. I did not say, Sir, that I wished the judges of the Supreme Courts to go upon the circuits, to the end that they might see in the country the impression which their opinions made upon the public sentiment. Nothing like it. What I did say was, that it was useful that the judge of the Supreme Court should be able to perceive the application and bearing of the opinions of that court upon the variety of causes coming before him at the circuit. And is not this useful? Is it not probable that the judge will lay down a general rule with the greatest wisdom and precision, who comprehends in his view the greatest number of instances to which that rule is to be applied? As far

as I can now recall the train of my own ideas, the expression was suggested by a reflection upon the laws of the Western States, respecting title to land. We hear often in this House of "judicial legislation." If any such thing exist in this country, an instance of it doubtless is to be found in the land laws of some of the Western States. In Kentucky, for example, titles to the soil appear to depend, to a very great extent, upon a series of judicial decisions, growing out of an act of the Legislature of Virginia passed in 1779, for the sale and disposition of her public domain. The legislative provision was very short and general; and as rights were immediately acquired under it, the want of legislative detail could only be supplied by judicial construction and determination. Hence a system has grown up, which is complex, artificial, and argumentative. I do not impute blame to the courts; they had no option but to decide cases as they arose, upon the best reasons. And although I am a very incompetent judge in the case, yet as far as I am informed, it appears to me that the courts, both of the State and of the United States, have applied just principles to the state of things which they found existing. But, Sir, as a rule laid down at Washington in one of these cases may be expected to affect five hundred others, is it not obvious that a judge, bred to this peculiar system of law, and having also many of these cases in judgment before him in his own circuit, is better enabled to state, to limit, and to modify the general rule, than another judge, though of equal talents, who should be a stranger to the decisions of the State tribunals, a stranger to the opinions and practice of the profession, and a stranger to all cases except the single one before him for judgment?

The honorable member from Pennsylvania asks, Sir, whether a statute of Vermont cannot be as well understood at Washington, as at Windsor or Rutland. Why, Sir, put in that shape, the question has very little meaning. But if the gentleman intends to ask, whether a judge who has been for years in the constant discharge of the duties incumbent upon him as the head of the Circuit Court in Vermont, and who, therefore, has had the statutes of that State frequently before him, has learned their interpretation by the State judicatures, and their connection with other laws, local or general,—if the question be, whether such a judge is not probably more competent to understand

that statute than another, who, with no knowledge of its local interpretation or local application, shall look at its letter for the first time in the hall of the Supreme Court, — if this be the question, Sir, which the honorable gentleman means to propound, I cheerfully refer him to the judgment of this House, and to his own good understanding, for an answer. Sir, we have heard a tone of observation upon this subject which quite surprises me. It seems to imply that one intelligent man is as fit to be a judge of the Supreme Court as another. The perception of the true rule, and its rightful application, whether of local or general law, are supposed to be entirely easy, because there are many volumes of statutes and of decisions. There can be no doubt, it seems, that a Supreme Court, however constituted, would readily understand, in the instance mentioned, the law of Vermont, because the statutes of Vermont are accessible. Nor need Louisiana fear that her peculiar code will not be thoroughly and practically known, inasmuch as a printed copy will be found in the public libraries.

Sir, I allude to such arguments, certainly not for the purpose of undertaking a refutation of them, but only to express my regret that they should have found place in this discussion. I have not contended, Sir, for any thing like judicial representation. I care not in what terms of reproach such an idea be spoken of. It is none of mine. What I said was, and I still say it, that, with so many States, having various and different systems, with such a variety of local laws and usages and practices, it is highly important that the Supreme Court should be so constituted as to allow a fair prospect, in every case, that these laws and usages should be known; and that I know nothing so naturally conducive to this end, as the knowledge and experience obtained by the judges on the circuits. Let me ask, Sir, the members from New England, if they have ever found any man this side of the North River who thoroughly understood our practice of special attachment, our process of garnishment, or trustee process, or our mode of extending execution upon land? And let me ask, at the same time, whether there be an individual of the profession, between this place and Maine, who is, at this moment, competent to the decision of questions arising under the peculiar system of land titles of Kentucky or Tennessee? If there be such a gentleman, I confess I have not the honor of his acquaintance.

On the general question of the utility of constant occupation in perfecting the character of a judge, I do not mean now to enlarge. I am aware that men will differ on that subject, according to their different means or different habits of observation. To me it seems as clear as any moral proposition whatever. And I would ask the honorable member from Rhode Island, since he has referred to the judge of the first circuit, and has spoken of him in terms of respect not undeserved, whether he supposes that that member of the court, if, fifteen years ago, on receiving his commission, he had removed to this city, and had remained here ever since, with no other connection with his profession than an annual session of six weeks in the Supreme Court, would have been the judge he now is? Sir, if this question were proposed to that distinguished person himself, and if he could overcome the reluctance which he would naturally feel to speak at all of his own judicial qualities, I am extremely mistaken if he would not refer to his connection with the Circuit Court, and the frequency and variety of his labors there, as efficient causes in the production of that eminent degree of ability with which he now discharges the duties of his station.

There is not, Sir, an entire revolution wrought in the mind of a professional man, by appointing him a judge. He is still a lawyer; and if he have but little to do as a judge, he is, in effect, a lawyer out of practice. And how is it, Sir, with lawyers who are not judges, and are yet out of practice? Let the opinion and the common practice of mankind decide this. If you require professional assistance in whatever relates to your reputation, your property, or your family, do you go to him who is retired from the bar, and who has uninterrupted leisure to pursue his readings and reflections; or do you address yourself to him, on the contrary, who is in the midst of affairs, busy every day, and every hour in the day, with professional pursuits? But I will not follow this topic farther, nor dwell on this part of the case.

I have already said, that, in my opinion, the present number of the court is more convenient than a larger number, for the hearing of a certain class of causes. This opinion I do not retract; for I believe it to be correct. But the question is, whether this inconvenience be not more than balanced by other advantages. I think it is.

It has been again and again urged, that this bill makes no provision for clearing off the term business of the Supreme Court; and strange mistakes, as it appears to me, are committed, as to the amount of arrears in that court. I believe that the bill intended to remedy that evil will remedy it. I believe there is time enough for the court to go through its lists of causes here, without interfering with the sessions of the Circuit Courts; and, notwithstanding the mathematical calculations by which it has been proved that the proposed addition to the length of the term would enable the court to decide precisely nine additional causes, and no more, yet I have authority to say, that those who have the best means of knowing were of opinion, two years ago, that the proposed alteration of the term would enable the court, in two years, to go through all the causes before it ready for hearing.

It has been said, Sir, that this measure will injure the character of the Supreme Court; because, as we increase numbers, we lessen responsibility in the same proportion. Doubtless, as a general proposition, there is great truth in this remark. A court so numerous as to become a popular body would be unfit for the exercise of judicial functions. This is certain. But then this general truth, although admitted, does not enable us to fix with precision the point at which this evil either begins to be felt at all, or to become considerable; still less, where it is serious or intolerable. If seven be quite few enough, it may not be easy to show that ten must necessarily be a great deal too many. But there is another view of the case, connected with what I have said heretofore in this discussion, and which furnishes, in my mind, a complete answer to this part of the argument; and that is, that a judge who has various important individual duties to perform in the Circuit Court, and who sits in the appellate court with nine others, acts, on the whole, in a more conspicuous character, and under the pressure of more immediate and weighty responsibility, than if he performed no individual circuit duty, and sat on the appellate bench with six others only.

But again, it has been argued, that to increase the number of the Supreme Court is dangerous; because, with such a precedent, Congress may hereafter effect any purpose of its own, in regard to judicial decisions, by changing essentially the whole

constitution of the court, and overthrowing its settled decisions, by augmenting the number of judges. Whenever Congress, it is said, may dislike the constitutional opinions and decisions of the court, it may mould it to its own views, upon the authority of the present example. But these abuses of power are not to be anticipated or supposed; and therefore no argument results from them.

If we were to be allowed to imagine that the legislature would act in entire disregard of its duty, there are ways enough, certainly, beside that supposed, in which it might destroy the judiciary, as well as any other branch of the government. The judiciary power is conferred, and the Supreme Court established, by the Constitution; but then legislative acts are necessary to confer jurisdiction on inferior courts, and to regulate proceedings in all courts. If Congress should neglect the duty of passing such laws, the judicial power could not be efficiently exercised. If, for example, Congress were to repeal the twenty-fifth section of the judicial act of 1789, and make no substitute, there would be no mode by which the decisions of State tribunals, on questions arising under the Constitution and laws of the United States, could be revised in the Supreme Court. Or if they were to repeal the eleventh section of that act, the power of trying causes between citizens of different States, in the tribunals of this government, could not be exercised. All other branches of the government depend, in like manner, for their continuance in life and being, and for the proper exercise of their powers, on the presumption that the legislature will discharge its constitutional duties. If it were possible to adopt the opposite supposition, doubtless there are modes enough to which we may look to see the subversion both of the courts and the whole Constitution.

Mr. Speaker, I will not detain you by further reply to the various objections which have been made to this bill. What has occurred to me as most important, I have noticed either now or heretofore; and I refer the whole to the dispassionate judgment of the House. Allow me, however, Sir, before I sit down, to disavow, on my own behalf and on behalf of the committee, all connection between this measure and any opinions or decisions, given or expected, in any causes, or classes of causes, by the Supreme Court. Of the merits of the case of which early

mention was made in the debate, I know nothing. I presume it was rightly decided, because it was decided by sworn judges, composing a tribunal in which the Constitution and the laws have lodged the power of ultimate judgment. It would be unworthy, indeed, of the magnitude of this occasion, to bend our course a hair's breadth on the one side or the other, either to favor or to oppose what we might like, or dislike, in regard to particular questions. Surely we are not fit for this great work, if motives of that sort can possibly come near us. I have forborne, throughout this discussion, all expression of opinion on the manner in which the members of the Supreme Court have heretofore discharged, and still discharge, the responsible duties of their station. I should feel restraint and embarrassment, were I to make the attempt to express my sentiments on that point. Professional habits and pursuits connect me with the court, and I feel that it is not proper that I should speak here of the personal qualities of its members, either generally or individually. They shall not suffer, at least, from any ill-timed or clumsy eulogy of mine. I could not, if I would, make them better known than they are to their country; nor could I either strengthen or shake the foundation of character and talent upon which they stand.

But of the judicial branch of the government, and of the institution of the Supreme Court, as the head of that branch, I beg to say that no man can regard it with more respect and attachment than myself. It may have friends more able, it has none more sincere. No conviction is deeper in my mind, than that the maintenance of the judicial power is essential and indispensable to the very being of this government. The Constitution without it would be no constitution; the government, no government. I am deeply sensible, too, and, as I think, every man must be whose eyes have been open to what has passed around him for the last twenty years, that the judicial power is the protecting power of the whole government. Its position is upon the outer wall. From the very nature of things and the frame of the Constitution, it forms the point at which our different systems of government meet in collision, when collision unhappily exists. By the absolute necessity of the case, the members of the Supreme Court become judges of the extent of constitutional powers. They are if I may so call them, the

great arbitrators between contending sovereignties. Every man is able to see how delicate and how critical must be the exercise of such powers in free and popular governments. Suspicion and jealousy are easily excited, under such circumstances, against a body, necessarily few in number, and possessing by the Constitution a permanent tenure of office. While public men in more popular parts of the government may escape without rebuke, notwithstanding they may sometimes act upon opinions which are not acceptable, that impunity is not to be expected in behalf of judicial tribunals. It cannot but have attracted observation, that, in the history of our government, the courts have not been able to avoid severe, and sometimes angry complaint, for giving their sanction to those public measures which the representatives of the people had adopted without exciting particular disquietude. Members of this and the other house of Congress, acting voluntarily, and in the exercise of their general discretion, have enacted laws without incurring an uncommon degree of dislike or resentment; and yet, when those very laws have been brought before the court, and the question of their validity has been distinctly raised, and is necessarily to be determined, the judges affirming the constitutional validity of such acts, although the occasion was forced upon them, and they were absolutely bound to express the one opinion or the other, have, nevertheless, not escaped a severity of reproach bordering upon the very verge of denunciation. This experience, while it teaches us the dangers which environ this department, instructs us most persuasively in its importance. For its own security, and the security of the other branches of the government, it requires such an extraordinary union of discretion and firmness, of ability and moderation, that nothing in the country is too distinguished for sober sense or too gifted with powerful talent, to fill the situations belonging to it.

The Panama Mission*

THE following resolution being under consideration, in committee of the whole House upon the state of the Union, viz.: —

"*Resolved*, That in the opinion of the House it is expedient to appropriate the funds necessary to enable the President of the United States to send ministers to the Congress of Panama"; —

Mr. McLane of Delaware submitted the following amendment thereto, viz.: —

"It being understood as the opinion of this House, that, as it has always been the settled policy of this government, in extending our commercial relations with foreign nations, to have with them as little political connection as possible, to preserve peace, commerce, and friendship with all nations, and to form entangling alliances with none; the ministers who may be sent shall attend at the said Congress in a diplomatic character merely, and ought not to be authorized to discuss, consider, or consult, upon any proposition of alliance, offensive or defensive, between this country and any of the Spanish American governments, or any stipulation, compact, or declaration, binding the United States in any way, or to any extent, to resist interference from abroad with the domestic concerns of the aforesaid governments; or any measure which shall commit the present or future neutral rights or duties of these United States, either as may regard European nations, or between the several states of Mexico and South America; leaving the United States free to adopt, in any event which may happen, affecting the relations of the South American governments with each other, or with foreign nations, such measures as the friendly disposition cherished by the American people towards the people of those states, and the honor and interest of this nation, may require"; —

To which Mr. Rives of Virginia proposed to add, after the words "aforesaid governments," the following: —

* A Speech delivered in the House of Representatives of the United States, on the 14th of April, 1826.

"Or any compact or engagement by which the United States shall be pledged to the Spanish American states, to maintain, by force, the principle that no part of the American continent is henceforward subject to colonization by any European power."

The preceding motions to amend being under consideration, Mr. Webster addressed the committee as follows.

Mr. CHAIRMAN, — I am not ambitious of amplifying this discussion. On the contrary, it is my anxious wish to confine the debate, so far as I partake in it, to the real and material questions before us.

Our judgment of things is liable, doubtless, to be influenced by our opinions of men. It would be affectation in me, or in any one, to claim an exemption from this possibility of bias. I can say, however, that it has been my sincere purpose to consider and discuss the present subject with the single view of finding out what duty it devolves upon me, as a member of the House of Representatives. If any thing has diverted me from that sole aim, it has been against my intention.

I think, Sir, that there are two questions, and two only, for our decision. The first is, whether the House of Representatives will assume the responsibility of withholding the ordinary appropriation for carrying into effect an executive measure, which the executive department has constitutionally instituted. The second, whether, if it will not withhold the appropriation, it will yet take the responsibility of interposing, with its own opinions, directions, or instructions, as to the manner in which this particular executive measure shall be conducted.

I am, certainly, in the negative, on both these questions. I am neither willing to refuse the appropriation, nor am I willing to limit or restrain the discretion of the executive, beforehand, as to the manner in which it shall perform its own appropriate constitutional duties. And, Sir, those of us who hold these opinions have the advantage of being on the common highway of our national politics. We propose nothing new; we suggest no change; we adhere to the uniform practice of the government, as I understand it, from its origin. It is for those, on the other hand, who are in favor of either, or both, of the propositions, to show us the cogent reasons which recommend their adoption. It is their duty to satisfy the House and

the country that there is something in the present occasion which calls for such an extraordinary and unprecedented interference.

The President and Senate have instituted a public mission, for the purpose of treating with foreign states. The Constitution gives to the President the power of appointing, with the consent of the Senate, ambassadors and other public ministers. Such appointment is, therefore, a clear and unquestionable exercise of executive power. It is, indeed, less connected with the appropriate duties of this House, than almost any other executive act; because the office of a public minister is not created by any statute or law of our own government. It exists under the law of nations, and is recognized as existing by our Constitution. The acts of Congress, indeed, limit the salaries of public ministers; but they do no more. Every thing else in regard to the appointment of public ministers, — their numbers, the time of their appointment, and the negotiations contemplated in such appointments, — is matter for executive discretion. Every new appointment to supply vacancies in existing missions is under the same authority. There are, indeed, what we commonly term standing missions, so known in the practice of the government, but they are not made permanent by any law. All missions rest on the same ground. Now the question is, whether, the President and Senate having created this mission, or, in other words, having appointed the ministers, in the exercise of their undoubted constitutional power, this House will take upon itself the responsibility of defeating its objects, and rendering this exercise of executive power void?

By voting the salaries in the ordinary way, we assume, as it seems to me, no responsibility whatever. We merely empower another branch of the government to discharge its own appropriate duties, in that mode which seems to itself most conducive to the public interests. We are, by so voting, no more responsible for the manner in which the negotiation shall be conducted, than we are for the manner in which one of the heads of department may discharge the duties of his office.

On the other hand, if we withhold the ordinary means, we do incur a heavy responsibility. We interfere, as it seems to me, to prevent the action of the government, according to constitutional forms and provisions. It ought constantly to be remembered, that our whole power in the case is merely incidental. It

is only because public ministers must have salaries, like other officers, and because no salaries can be paid but by our vote, that the subject is referred to us at all. The Constitution vests the power of appointment in the President and Senate; the law gives to the President even the power of fixing the amount of salary, within certain limits; and the only question here is upon the appropriation. There is no doubt that we have the power, if we see fit to exercise it, to break up the mission, by withholding the salaries. We have power also to break up the court, by withholding the salaries of the judges, or to break up the office of President, by withholding the salary provided for it by law. All these things, it is true, we have the power to do, since we hold the keys of the treasury. But, then, can we rightfully exercise this power? The gentleman from Pennsylvania,* with whom I have great pleasure in concurring on this part of the case, while I regret that I differ with him on others, has placed this question in a point of view which cannot be improved. These officers do, indeed, already exist. They are public ministers. If they were to negotiate a treaty, and the Senate should ratify it, it would become a law of the land, whether we voted their salaries or not. This shows that the Constitution never contemplated that the House of Representatives should act a part in originating negotiations or concluding treaties.

I know, Sir, it is a useless labor to discuss the kind of power which this House incidentally holds in these cases. Men will differ in that particular; and as the forms of public business and of the Constitution are such that the power may be exercised by this House, there will always be some, or always may be some, who feel inclined to exercise it. For myself, I feel bound not to step out of my own sphere, and neither to exercise or control any authority, of which the Constitution has intended to lodge the free and unrestrained exercise in other hands. Cases of extreme necessity, in which a regard to public safety is to be the supreme law, or rather to take place of all law, must be allowed to provide for themselves when they arise. Arguments drawn from such possible cases will shed no light on the general path of our constitutional duty.

Mr. Chairman, I have an habitual and very sincere respect for

* Mr. Buchanan.

the opinions of the gentleman from Delaware. And I can say with truth, that he is the last man in the House from whom I should have looked for this proposition of amendment, or from whom I should have expected to hear some of the reasons which he has given in its support. He says, that, in this matter, the source from which the measure springs should have no influence with us whatever. I do not comprehend this; and I cannot but think the honorable gentleman has been surprised into an expression which does not convey his meaning. This measure comes from the executive, and it is an appropriate exercise of executive power. How is it, then, that we are to consider it as entirely an open question for us, — as if it were a legislative measure originating with ourselves? In deciding whether we will enable the executive to exercise his own duties, are we to consider whether we should have exercised them in the same way ourselves? And if we differ in opinion with the President and Senate, are we on that account to refuse the ordinary means? I think not; unless we mean to say that we will ourselves exercise all the powers of the government.

But the gentleman argues, that, although generally such a course would not be proper, yet in the present case the President has especially referred the matter to our opinion; that he has thrown off, or attempted to throw off, his own constitutional responsibility; or at least, that he proposes to divide it with us; that he requests our advice, and that we, having referred that request to the Committee on Foreign Affairs, have now received from that committee their report thereon.

Sir, this appears to me a very mistaken view of the subject; but if it were all so, if our advice and opinion had thus been asked, it would not alter the line of our duty. We cannot take, though it were offered, any share in executive duty. We cannot divide their own proper responsibility with other branches of the government. The President cannot properly ask, and we cannot properly give, our advice, as to the manner in which he shall discharge his duties. He cannot shift the responsibility from himself; and we cannot assume it. Such a course, Sir, would confound all that is distinct in our respective constitutional functions. It would break down all known divisions of power, and put an end to all just responsibility. If the President were to receive directions or advice from us, in things per-

taining to the duties of his own office, what would become of his responsibility to us and to the Senate? We hold the impeaching power. We are to bring him to trial in any case of maladministration. The Senate are to judge him by the Constitution and laws; and it would be singular indeed, if, when such occasion should arise, the party accused should have the means of sheltering himself under the advice or opinions of his accusers. Nothing can be more incorrect or more dangerous than this pledging the House beforehand to any opinion as to the manner of discharging executive duties.

But, Sir, I see no evidence whatever that the President has asked us to take this measure upon ourselves, or to divide the responsibility of it with him. I see no such invitation or request. The Senate having concurred in the mission, the President has sent a message requesting the appropriation, in the usual and common form. In answer to a call of the House, another message is sent, communicating the correspondence, and setting forth the objects of the mission. It is contended, that by this message he asks our advice, or refers the subject to our opinion. I do not so understand it. Our concurrence, he says, by making the appropriation, is subject to our free determination. Doubtless it is so. If we determine at all, we shall determine freely; and the message does no more than leave to ourselves to decide how far we feel ourselves bound, either to support or to thwart the executive department, in the exercise of its duties. There is no message, no document, no communication to us, which asks for our concurrence, otherwise than as we shall manifest it by making the appropriation.

Undoubtedly, Sir, the President would be glad to know that the measure met the approbation of the House. He must be aware, unquestionably, that all leading measures mainly depend for success on the support of Congress. Still, there is no evidence that on this occasion he has sought to throw off responsibility from himself, or that he desires us to be answerable for any thing beyond the discharge of our own constitutional duties. I have already said, Sir, that I know of no precedent for such a proceeding as the amendment proposed by the gentleman from Delaware. None which I think analogous has been cited. The resolution of the House, some years ago, on the subject of the slave-trade, is a precedent the other way. A committee had re-

ported that, in order to put an end to the slave-trade, a mutual right of search might be admitted and arranged by negotiation. But this opinion was not incorporated, as the gentleman now proposes to incorporate his amendment, into the resolution of the House. The resolution only declared, in general terms, that the President be requested to enter upon such negotiations with other powers as he might deem expedient, for the effectual abolition of the African slave-trade. It is singular enough, and may serve as an admonition on the present occasion, that, a negotiation having been concluded, in conformity to the opinions expressed, not, indeed, by the House, but by the committee, the treaty, when laid before the Senate, was rejected by that body.

The gentleman from Delaware himself says, that the Constitutional responsibility pertains alone to the executive department, and that none other has to do with it, as a public measure. These admissions seem to me to conclude the question; because, in the first place, if the constitutional responsibility appertains alone to the President, he cannot devolve it on us if he would; and because, in the second place, I see no proof of any intention on his part so to devolve it on us, even if he had the power.

Mr. Chairman, I will here take occasion, in order to prevent misapprehension, to observe, that no one is more convinced than I am, that it is the right of this House, and often its duty, to express its general opinion in regard to questions of foreign policy. Nothing, certainly, is more proper. I have concurred in such proceedings, and am ready to do so again. On those great subjects, for instance, which form the leading topics in this discussion, it is not only the right of the House to express its opinions, but I think it its duty to do so, if it should suppose the executive to be pursuing a general course of policy which the House itself will not ultimately approve. But that is something entirely different from the present suggestion. Here it is proposed to decide, by our vote, what shall be discussed by particular ministers, already appointed, when they shall meet the ministers of the other powers. This is not a general expression of opinion. It is a particular direction, or a special instruction. Its operation is limited to the conduct of particular men, on a particular occasion. Such a thing, Sir, is wholly unprecedented in our history. When the House proceeds in the accustomed way, by general resolution, its sentiments apply as far as ex-

pressed, to all public agents, and on all occasions. They apply to the whole course of policy, and must necessarily be felt everywhere. But if we proceed by way of direction to particular ministers, we must direct them all. In short, we must take upon ourselves to furnish diplomatic instructions in all cases.

We now propose to prescribe what our ministers shall discuss, and what they shall not discuss, at Panama. But there is no subject coming up for discussion at Panama, which might not also be proposed for discussion either here, or at Mexico, or in the capital of Colombia. If we direct what our ministers at Panama shall or shall not say on the subject of Mr. Monroe's declaration, for example, why should we not proceed to say also what our other ministers abroad, or our Secretary at home, shall say on the same subject? There is precisely the same reason for the one as for the other. The course of the House hitherto, Sir, has not been such. It has expressed its opinions, when it deemed proper to express them at all, on great leading questions, by resolution, and in a general form. These general opinions, being thus made known, have doubtless always had, and such expressions of opinion doubtless always will have, their effect. This is the practice of the government. It is a salutary practice; but if we carry it further, or rather if we adopt a very different practice, and undertake to prescribe to our public ministers what they shall discuss, and what they shall not discuss, we take upon ourselves that which, in my judgment, does not at all belong to us. I see no more propriety in our deciding now in what manner these ministers shall discharge their duty, than there would have been in our prescribing to the President and Senate what persons ought to be appointed ministers.

An honorable member from Virginia,* who spoke some days ago, seems to go still further than the member from Delaware. He maintains, that we may distinguish between the various objects contemplated by the executive in the proposed negotiation, and adopt some and reject others. And this high, delicate, and important trust, the gentleman deduces simply from our power to withhold the ministers' salaries. The process of the gentleman's argument appears to me as singular as its conclusion. He founds himself on the legal maxim, that he who has the

* Mr. Rives.

power to give may annex to the gift whatever condition or qualification he chooses. This maxim, Sir, would be applicable to the present case, if we were the sovereigns of the country; if all power were in our hands; if the public money were entirely our own; if our appropriation of it were mere grace and favor; and if there were no restraints upon us but our own sovereign will and pleasure. But the argument totally forgets that we are ourselves but public agents; that our power over the treasury is but that of stewards over a trust fund; that we have nothing to give, and therefore no gifts to limit or qualify; that it is as much our duty to appropriate to proper objects, as to withhold appropriations from such as are improper; and that it is as much, and as clearly, our duty to appropriate in a proper and constitutional manner, as to appropriate at all.

The same honorable member advanced another idea, in which I cannot concur. He does not admit that confidence is to be reposed in the executive, on the present occasion, because confidence, he argues, implies only that, not knowing ourselves what will be done in a given case by others, we trust those who are to act in it, that they will act right; and as we know the course likely to be pursued in regard to this subject by the executive, confidence can have no place. This seems a singular notion of confidence, and certainly is not my notion of that confidence which the Constitution requires one branch of the government to repose in another. The President is not our agent, but, like ourselves, the agent of the people. They have trusted to his hands the proper duties of his office; and we are not to take those duties out of his hands, from any opinion of our own that we should execute them better ourselves. The confidence which is due from us to the executive, and from the executive to us, is not personal, but official and constitutional. It has nothing to do with individual likings or dislikings; but results from that division of power among departments, and those limitations on the authority of each, which belong to the nature and frame of our government. It would be unfortunate indeed, if our line of constitutional action were to vibrate backward and forward, according to our opinions of persons, swerving this way to-day, from undue attachment, and the other way to-morrow, from distrust or dislike. This may sometimes happen from the weakness of our virtues, or the excitement of

our passions; but I trust it will not be coolly recommended to us, as the rightful course of public conduct.

It is obvious to remark, Mr. Chairman, that the Senate have not undertaken to give directions or instructions in this case. That body is closely connected with the President in executive measures. Its consent to these very appointments is made absolutely necessary by the Constitution; yet it has not seen fit, in this or any other case, to take upon itself the responsibility of directing the mode in which the negotiations should be conducted.

For these reasons, Mr. Chairman, I am for giving no instructions, advice, or directions in the case. I prefer leaving it where, in my judgment, the Constitution has left it; to executive discretion and executive responsibility.

But, Sir, I think there are other objections to the amendment. There are parts of it which I could not agree to, if it were proper to attach any such condition to our vote. As to all that part of the amendment, indeed, which asserts the neutral policy of the United States, and the inexpediency of forming alliances, no man assents to those sentiments more readily, or more entirely, than myself. On these points we are all agreed. Such is our opinion; such, the President assures us, in terms, is his opinion; such we know to be the opinion of the country. If it be thought necessary to affirm opinions which no one either denies or doubts, by a resolution of the House, I shall cheerfully concur in it. But there is one part of the proposed amendment to which I could not agree in any form. I wish to ask the gentleman from Delaware himself to reconsider it. I pray him to look at it again, and to see whether he means what it expresses or implies; for, on this occasion, I should be more gratified by seeing that the honorable gentleman himself had become sensible that he had fallen into some error in this respect, than by seeing the vote of the House against him by any majority whatever.

That part of the amendment to which I now object is that which requires, as a condition of the resolution before us, that the ministers shall not "be authorized to discuss, consider, or consult upon any measure which shall commit the present or future neutral rights or duties of these United States, either as may regard European nations, or between the several states of Mexico and South America."

I need hardly repeat, that this amounts to a precise instruction. It being understood that the ministers shall not be authorized to discuss particular subjects, is a mode of speech precisely equivalent to saying, "provided the ministers be instructed," or "the ministers being instructed, not to discuss those subjects." Notwithstanding all that has been said, or can be said, about this amendment being no more than a general expression of opinion, or an abstract proposition, this part of it is an exact and definite instruction. It prescribes to public ministers the precise manner in which they are to conduct a public negotiation; a duty manifestly and exclusively belonging, in my judgment, to the executive, and not to us.

But if we possessed the power to give instructions, this instruction would not be a proper one to give. Let us examine it. The ministers shall not "discuss, consider, or consult upon any measure which shall commit the present or future neutral rights or duties of these United States, either as may regard European nations, or between the several states of Mexico and South America."

Now, Sir, in the first place, it is to be observed that they are not only not to agree to any such measure, but they are not to discuss it. If proposed to them, they are not to give reasons for declining it. Indeed, they cannot reject it; they can only say they are not authorized to consider it. Would it not be better, Sir, to leave these agents at liberty to explain the policy of our government, fully and clearly, and to show the reasons which induce us to abstain, as far as possible, from foreign connections, and to act in all things with a scrupulous regard to the duties of neutrality?

But again; they are to discuss no measure which may commit our neutral rights or duties. To commit is somewhat indefinite. May they not modify or in any degree alter our neutral rights and duties? If not, I hardly know whether a common treaty of commerce could be negotiated; because all such treaties affect or modify, more or less, the neutral rights or duties of the parties; especially all such treaties as our habitual policy leads us to form. But I suppose the author of the amendment uses the word in a larger and higher sense. He means that the ministers shall not discuss or consider any measure which may have a tendency, in any degree, to place us in a

hostile attitude towards any foreign state. And here, again, one cannot help repeating, that the prohibition is, not against proposing or assenting to any such measure, but against considering it, against answering it if proposed, against resisting it with reasons.

But if this objection were removed, still the instruction could not properly be given. What important or leading measure is there, connected with our foreign relations, which can be adopted without the possibility of committing us to the necessity of a hostile attitude? Any assertion of our plainest rights may, by possibility, have that effect. The author of the amendment seems to suppose that our pacific relations can never be changed but by our own option. He seems not to be aware that other states may compel us, in defence of our own rights, to measures which, in their ultimate tendency, may commit our neutrality. Let me ask, if the ministers of other powers, at Panama, should signify to our agents that it was in contemplation immediately to take some measure which these agents knew to be hostile to our policy, adverse to our rights, and such as we could not submit to; should they be left free to speak the sentiments of their government, to protest against the measure, and to declare that the United States would not see it carried into effect? Or should they, as this amendment proposes, be enjoined to silence, to let the measure proceed, in order that afterwards, when perhaps we have gone to war to redress the evil, we may learn that, if our objections had been fairly and frankly stated, the step would not have been taken? Look, Sir, to the very case of Cuba, the most delicate and vastly the most important point in all our foreign relations. Do gentlemen think they exhibit skill or statesmanship in laying such restraints as they propose on our ministers, in regard to this among other subjects? It has been made matter of complaint, that the executive has not used, already, a more decisive tone towards Mexico and Colombia, in regard to their designs on this island. Pray, Sir, what tone could be taken under these instructions? Not one word, not one single word, could be said on the subject. If asked whether the United States would consent to the occupation of that island by those republics, or to its transfer by Spain to a European power, or whether we should resist such occupation or such transfer, what could they say? "That is a matter we cannot discuss, and cannot consider; it would commit

our neutral relations; we are not at liberty to express the sentiments of our government on the subject; we have nothing at all to say." Is this, Sir, what the gentlemen wish, or what they would recommend?

If, Sir, we give these instructions, and they should be obeyed, and inconvenience or evil result, who is answerable? And I suppose it is expected they will be obeyed. Certainly it cannot be intended to give them, and not take the responsibility of the consequences, if they are followed. It cannot be intended to hold the President answerable both ways; first, to compel him to obey our instructions, and, secondly, to make him responsible if evil comes from obeying them.

Sir, events may change. If we had the power to give instructions, and if these proposed instructions were proper to be given, before we arrive at our own homes affairs may take a new direction, and the public interest require new and corresponding orders to our agents abroad.

This is said to be an extraordinary case, and, on that account, to justify our interference. If the fact were true, the consequence would not follow. If it be the exercise of a power assigned by the Constitution to the executive, it can make no difference whether the occasion be common or uncommon. But, in truth, there have been much stronger cases for the interference of the House, where, nevertheless, the House has not interfered. For example, in the negotiations for peace carried on at Ghent. In that case, Congress, by both houses, had declared war for certain alleged causes. After the war had lasted some years, the President, with the advice of the Senate, appointed ministers to treat of peace; and he gave them such instructions as he saw fit. Now, as the war was declared by Congress, and was waged to obtain certain ends, it would have been plausible to say that Congress ought to know the instructions under which peace was to be negotiated, that they might see whether the objects for which the war was declared had been abandoned. Yet no such claim was set up. The President gave instructions such as his judgment dictated, and neither house asserted any right of interference.

Sir, there are gentlemen in this House, opposed to this mission, who, I hope, will nevertheless consider this question of amendment on general constitutional grounds. They are gen-

tlemen of much estimation in the community, likely, I hope, long to continue in the public service; and I trust they will well reflect on the effect of this amendment on the separate powers and duties of the several departments of the government.

An honorable member from Pennsylvania* has alluded to a resolution introduced by me the session before the last. I should not have referred to it myself, had he not invited the reference; but I am happy in the opportunity of showing how that resolution coincides with every thing which I say today. What was that resolution? When an interesting people were struggling for national existence against a barbarous despotism, when there were good hopes (hopes yet, I trust, to be fully realized) of their success, and when the Holy Alliance had pronounced against them certain false and abominable doctrines, I moved the House to resolve — what? Simply that provision ought to be made by law to defray the expense of an agent or commissioner to that country, whenever the President should deem it expedient to make such appointment. Did I propose any instruction to the President, or any limit on his discretion? None at all, Sir; none at all. What resemblance, then, can be found between that resolution and this amendment? Let those who think any such resemblance exists adopt, if they will, the words of the resolution as a substitute for this amendment. We shall gladly take them.

I am therefore, Mr. Chairman, against the amendment, not only as not being a proper manner of exercising any power belonging to this House, but also as not containing instructions fit to be given if we possessed the power of giving them. And as my vote will rest on these grounds, I might terminate my remarks here; but the discussion has extended over a broader surface, and, following where others have led, I will ask your indulgence to a few observations on the more general topics of the debate.

Mr. Chairman, it is our fortune to be called upon to act our part as public men at a most interesting era in human affairs. The short period of your life and of mine has been thick and crowded with the most important events. Not only new interests and new relations have sprung up among states, but new

* Mr. Hemphill.

societies, new nations, and families of nations, have risen to take their places and perform their parts in the order and the intercourse of the world. Every man aspiring to the character of a statesman must endeavor to enlarge his views to meet this new state of things. He must aim at an adequate comprehension of it, and instead of being satisfied with that narrow political sagacity, which, like the power of minute vision, sees small things accurately, but can see nothing else, he must look to the far horizon, and embrace in his broad survey whatever the series of recent events has brought into connection, near or remote, with the country whose interests he studies to serve.

We have seen eight states, formed out of colonies on our own continent, assume the rank of nations. This is a mighty revolution, and when we consider what an extent of the surface of the globe they cover, throngh what climates they extend, what population they contain, and what new impulses they must derive from this change of government, we cannot but perceive that great effects are likely to be produced on the intercourse and the interests of the civilized world. Indeed, it has been forcibly said, by the intelligent and distinguished statesman who conducts the foreign relations of England,* that when we now speak of Europe and the world, we mean Europe and America; and that the different systems of these two portions of the globe, and their several and various interests, must be thoroughly studied and nicely balanced by the statesmen of the times.

In many respects, Sir, the European and the American nations are alike. They are alike Christian states, civilized states, and commercial states. They have access to the same common fountains of intelligence; they all draw from those sources which belong to the whole civilized world. In knowledge and letters, in the arts of peace and war, they differ in degrees; but they bear, nevertheless, a general resemblance. On the other hand, in matters of government and social institution, the nations on this continent are founded upon principles which never did prevail, to considerable extent, either at any other time or in any other place. There has never been presented to the mind of man a more interesting subject of contemplation than the establishment of so many nations in America, partaking in the civilization and in the arts of the Old World, but having left be-

* Mr. Canning.

hind them those cumbrous institutions which had their origin in a dark and military age. Whatsoever European experience has developed favorable to the freedom and the happiness of man, whatever European genius has invented for his improvement or gratification, whatsoever of refinement or polish the culture of European society presents for his adoption and enjoyment, — all this is offered to man in America, with the additional advantage of the full power of erecting forms of government on free and simple principles, without overturning institutions suited to times long passed, but too strongly supported, either by interests or prejudices, to be shaken without convulsions. This unprecedented state of things presents the happiest of all occasions for an attempt to establish national intercourse upon improved principles, upon principles tending to peace and the mutual prosperity of nations. In this respect America, the whole of America, has a new career before her. If we look back on the history of Europe, we see for how great a portion of the last two centuries her states have been at war for interests connected mainly with her feudal monarchies. Wars for particular dynasties, wars to support or prevent particular successions, wars to enlarge or curtail the dominions of particular crowns, wars to support or to dissolve family alliances, wars to enforce or to resist religious intolerance, — what long and bloody chapters do not these fill in the history of European politics! Who does not see, and who does not rejoice to see, that America has a glorious chance of escaping at least these causes of contention? Who does not see, and who does not rejoice to see, that, on this continent, under other forms of government, we have before us the noble hope of being able, by the mere influence of civil liberty and religious toleration, to dry up these outpouring fountains of blood, and to extinguish these consuming fires of war. The general opinion of the age favors such hopes and such prospects. There is a growing disposition to treat the intercourse of nations more like the useful intercourse of friends; philosophy, just views of national advantage, good sense, the dictates of a common religion, and an increasing conviction that war is not the interest of the human race, all concur to magnify the importance of this new accession to the list of nations.

We have heard it said, Sir, that the topic of South American independence is worn out, and threadbare. Such it may be,

Sir, to those who have contemplated it merely as an article of news, like the fluctuation of the markets, or the rise and fall of stocks. Such it may be to those who can see no consequences following from these great events. But whoever has either understood their present importance, or can at all estimate their future influence, whoever has reflected on the new relations they introduce with other states, whoever, among ourselves especially, has meditated on the new relations which we now bear to them, and the striking attitude in which we ourselves are now placed, as the oldest of the American nations, will feel that the topic can never be without interest; and will be sensible that, whether we are wise enough to perceive it or not, the establishment of South American independence will affect all nations, and ourselves perhaps more than any other, through all coming time.

But, Sir, although the independence of these new states seems effectually accomplished, yet a lingering and hopeless war is kept up against them bv Spain. This is greatly to be regretted by all nations. To Spain it is, as every reasonable man sees, useless, and without hope. To the new states themselves it is burdensome and afflictive. To the commerce of neutral nations it is annoying and vexatious. There seems to be something of the pertinacity of the Spanish character in holding on in such a desperate course. It reminds us of the seventy years during which Spain resisted the independence of Holland. I think, however, that there is some reason to believe that the war approaches its end. I believe that the measures adopted by our own government have had an effect in tending to produce that result. I understand, at least, that the question of recognition has been taken into consideration by the Spanish government; and it may be hoped that a war which Spain finds to be so expensive, which the whole world tells her is so hopeless, and which, if continued, now threatens her with new dangers, she may, ere long, have the prudence to terminate.

Our own course during this contest between Spain and her colonies is well known. Though entirely and strictly neutral, we were in favor of early recognition. Our opinions were known to the allied sovereigns when in congress at Aix-la-Chapelle in 1818, at which time the affairs of Spain and her colonies were under consideration; and probably the knowledge of those

sentiments, together with the policy adopted by England, prevented any interference by other powers at that time. Yet we have treated Spain with scrupulous delicacy. We acted on the case as one of civil war. We treated with the new governments as governments *de facto*. Not questioning the right of Spain to reduce them to their old obedience, if she had the power, we yet held it to be our right to deal with them as with existing governments in fact, when the moment arrived at which it became apparent and manifest that the dominion of Spain over these, her ancient colonies, was at an end. Our right, our interest, and our duty, all concurred at that moment to recommend the recognition of their independence. We accordingly recognized it.

Now, Sir, the history of this proposed congress goes back to an earlier date than that of our recognition. It commences in 1821; and one of the treaties now before us, proposing such a meeting, that between Colombia and Chili, was concluded in July, 1822, a few months only after we had acknowledged the independence of the new states. The idea originated, doubtless, in the wish to strengthen the union among the new governments, and to promote the common cause of all, the effectual resistance to Spanish authority. As independence was at that time their leading object, it is natural to suppose that they contemplated this mode of mutual intercourse and mutual arrangement, as favorable to the concentration of purpose and of action necessary for the attainment of that object. But this purpose of the congress, or this leading idea, in which it may be supposed to have originated, has led, as it seems to me, to great misapprehensions as to its true character, and great mistakes in regard to the danger to be apprehended from our sending ministers to the meeting. This meeting, Sir, is a congress; not a congress as the word is known to our Constitution and laws, for we use it in a peculiar sense; but as it is known to the law of nations. A congress, by the law of nations, is but an appointed meeting for the settlement of affairs between different nations, in which the representatives or agents of each treat and negotiate as they are instructed by their own government. In other words, this congress is a diplomatic meeting. We are asked to join no government, no legislature, no league, acting by votes. It is a congress, such as those of Westphalia, of

Nimeguen, of Ryswick, or of Utrecht; or such as those which have been held in Europe in our own time. No nation is a party to any thing done in such assemblies, to which it does not expressly make itself a party. No one's rights are put at the disposition of any of the rest, or of all the rest. What ministers agree to, being afterwards duly ratified at home, binds their government; and nothing else binds the government. Whatsoever is done, to which they do not assent, neither binds the ministers nor their government, any more than if they had not been present.

These truths, Sir, seem too plain and too commonplace to be stated. I find my apology only in those misapprehensions of the character of the meeting to which I have referred both now and formerly. It has been said that commercial treaties are not negotiated at such meetings. Far otherwise is the fact. Among the earliest of important stipulations made in favor of commerce and navigation, were those at Westphalia. What we call the treaty of Utrecht, was a bundle of treaties, negotiated at that congress; some of peace, some of boundary, and others of commerce. Again, it has been said, in order to prove that this meeting is a sort of confederacy, that such assemblies are out of the way of ordinary negotiation, and are always founded on, and provided for, by previous treaties. Pray, Sir, what treaty preceded the congress at Utrecht? And the meeting of our plenipotentiaries with those of England at Ghent, what was that but a congress? and what treaty preceded it? It is said, again, that there is no sovereign to whom our ministers can be accredited. Let me ask whether, in the case last cited, our ministers exhibited their credentials to the Mayor of Ghent? Sir, the practice of nations in these matters is well known, and is free from difficulty. If the government be not present, agents or plenipotentiaries interchange their credentials. And when it is said that our ministers at Panama will be, not ministers, but deputies, members of a deliberative body, not protected in their public character by the public law, propositions are advanced of which I see no evidence whatever, and which appear to me to be wholly without foundation.

It is contended that this congress, by virtue of the treaties which the new states have entered into, will possess powers other than those of a diplomatic character, as between those

new states themselves. If that were so, it would be unimportant to us. The real question here is, What will be our relation with those states, by sending ministers to this congress? Their arrangement among themselves will not affect us. Even if it were a government, like our old Confederation, yet, if its members had authority to treat with us in behalf of their respective nations on subjects on which we have a right to treat, the congress might still be a very proper occasion for such negotiations. Do gentlemen forget that the French minister was introduced to our old Congress, met it in its sessions, carried on oral discussions with it, and treated with it in behalf of the French king? All that did not make him a member of it, nor connect him at all with the relations which its members bore to each other. As he treated on the subject of carrying on the war against England, it was, doubtless, hostile towards that power; but this consequence followed from the object and nature of the stipulations, and not from the manner of the intercourse. The representatives of these South American states, it is said, will entertain belligerent counsels at this congress. Be it so; we shall not join in such counsels. At the moment of invitation, our government informed the ministers of those states, that we could not make ourselves a party to the war between them and Spain, nor to counsels for deliberating on the means of its further prosecution.

If, it is asked, we send ministers to a congress composed altogether of belligerents, is it not a breach of neutrality? Certainly not; no man can say it is. Suppose, Sir, that these ministers from the new states, instead of Panama, were to assemble at Bogota, where we already have a minister; their counsels at that place might be belligerent, while the war should last with Spain. But should we on that account recall our minister from Bogota? The whole argument rests on this; that because, at the same time and place, the agents of the South American governments may negotiate about their own relations with each other, in regard to their common war against Spain, therefore we cannot, at the same time and place, negotiate with them, or any of them, upon our own neutral and commercial relations. This proposition, Sir, cannot be maintained; and therefore all the inferences from it fail.

But, Sir, I see no proof that, as between themselves, the rep-

resentatives of the South American states are to possess other than diplomatic powers. I refer to the treaties, which are essentially alike, and which have been often read.

With two exceptions, (which I will notice,) the articles of these treaties, describing the powers of the congress, are substantially like those of the treaty of Paris, in 1814, providing for the congress at Vienna. It was there stipulated that all the powers should send plenipotentiaries to Vienna, to regulate, in general congress, the arrangements to complete the provisions of the present treaty. Now, it might have been here asked, how *regulate?* How regulate in general congress? — regulate by votes? Sir, nobody asked such questions; simply because it was to be a congress of plenipotentiaries. The two exceptions which I have mentioned are, that this congress is to act as a council, and to interpret treaties; but there is nothing in either of these to be done which may not be done diplomatically. What is more common than diplomatic intercourse, to explain and to interpret treaties? Or what more frequent than that nations, having a common object, interchange mutual counsels and advice, through the medium of their respective ministers? To bring this matter, Sir, to the test, let me ask, When these ministers assemble at Panama, can they do any thing but according to their instructions? Have they any organization, any power of action, or any rule of action, common to them all? No more, Sir, than the respective ministers at the congress of Vienna. Every thing is settled by the use of the word Plenipotentiary. That proves the meeting to be diplomatic, and nothing else. Who ever heard of a plenipotentiary member of the legislature? a plenipotentiary burgess of a city? or a plenipotentiary knight of the shire?

We may dismiss all fears, Sir, arising from the nature of this meeting. Our agents will go there, if they go at all, in the character of ministers, protected by the public law, negotiating only for ourselves, and not called on to violate any neutral duty of their own government. If it be that this meeting will have other powers, in consequence of other arrangements between other states, of which I see no proof, still we shall not be a party to these arrangements, nor can we be in any way affected by them. As far as this government is concerned, nothing can be done but by negotiation, as in other cases.

It has been affirmed, that this measure, and the sentiments expressed by the executive relative to its objects, are an acknowledged departure from the neutral policy of the United States Sir, I deny that there is an acknowledged departure, or any departure at all, from the neutral policy of the country. What do we mean by our neutral policy? Not, I suppose, a blind and stupid indifference to whatever is passing around us; not a total disregard to approaching events, or approaching evils, till they meet us full in the face. Nor do we mean, by our neutral policy, that we intend never to assert our rights by force. No, Sir. We mean by our policy of neutrality, that the great objects of national pursuit with us are connected with peace. We covet no provinces; we desire no conquests; we entertain no ambitious projects of aggrandizement by war. This is our policy. But it does not follow from this, that we rely less than other nations on our own power to vindicate our own rights. We know that the last logic of kings is also our last logic; that our own interests must be defended and maintained by our own arm; and that peace or war may not always be of our own choosing. Our neutral policy, therefore, not only justifies, but requires, our anxious attention to the political events which take place in the world, a skilful perception of their relation to our own concerns, and an early anticipation of their consequences, and firm and timely assertion of what we hold to be our own rights and our own interests. Our neutrality is not a predetermined abstinence, either from remonstrances, or from force. Our neutral policy is a policy that protects neutrality, that defends neutrality, that takes up arms, if need be, for neutrality. When it is said, therefore, that this measure departs from our neutral policy, either that policy, or the measure itself, is misunderstood. It implies either that the object or the tendency of the measure is to involve us in the war of other states, which I think cannot be shown, or that the assertion of our own sentiments, on points affecting deeply our own interests, may place us in a hostile attitude toward other states, and that therefore we depart from neutrality; whereas the truth is, that the decisive assertion and the firm support of these sentiments may be most essential to the maintenance of neutrality.

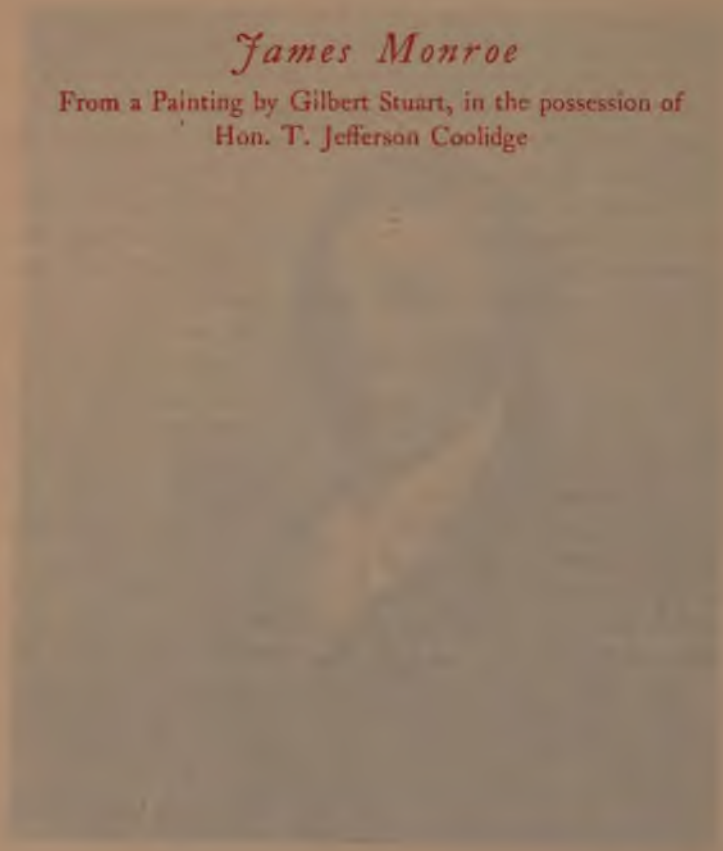
An honorable member from Pennsylvania thinks this congress will bring a dark day over the United States. Doubtless, Sir, it

is an interesting moment in our history; but I see no great proofs of thick-coming darkness. But the object of the remark seemed to be to show that the President himself saw difficulties on all sides, and, making a choice of evils, preferred rather to send ministers to this congress, than to run the risk of exciting the hostility of the states by refusing to send. In other words, the gentleman wished to prove that the President intended an alliance; although such intention is expressly disclaimed.

Much commentary has been bestowed on the letters of invitation from the ministers. I shall not go through with verbal criticisms on these letters. Their general import is plain enough. I shall not gather together small and minute quotations, taking a sentence here, a word there, and a syllable in a third place, dovetailing them into the course of remark, till the printed discourse bristles in every line with inverted commas. I look to the general tenor of the invitations, and I find that we are asked to take part only in such things as concern ourselves. I look still more carefully to the answers, and I see every proper caution and proper guard. I look to the message, and I see that nothing is there contemplated likely to involve us in other men's quarrels, or that may justly give offence to any foreign state. With this I am satisfied.

I must now ask the indulgence of the committee to an important point in the discussion, I mean the declaration of the President in 1823.* Not only as a member of the House, but as a citizen of the country, I have an anxious desire that this part of our public history should stand in its proper light. The country has, in my judgment, a very high honor connected with that occurrence, which we may maintain, or which we may sacrifice. I look upon it as a part of its treasures of reputation; and, for one, I intend to guard it.

* In the message of President Monroe to Congress at the commencement of the session of 1823-24, the following passage occurs: — "In the wars of the European powers, in matters relating to themselves, we have never taken any part, nor does it comport with our policy so to do. It is only when our rights are invaded, or seriously menaced, that we resent injuries or make preparations for defence. With the movements in this hemisphere we are of necessity more immediately connected, and by causes which must be obvious to all enlightened and impartial observers. The political system of the Allied Powers is essentially different, in this respect, from that of America. This difference proceeds from that which exists in their respective governments. And to the defence of our own, which has been achieved by the loss of so much blood and treasure, and matured by the wisdom of their most enlightened citizens, and under which we



James Monroe

From a Painting by Gilbert Stuart, in the possession of
Hon. T. Jefferson Coolidge

Sir, let us recur to the important political events which led to that declaration, or accompanied it. In the fall of 1822, the allied sovereigns held their congress at Verona. The great subject of consideration was the condition of Spain, that country then being under the government of the Cortes. The question was, whether Ferdinand should be reinstated in all his authority, by the intervention of foreign force. Russia, Prussia, France, and Austria were inclined to that measure; England dissented and protested; but the course was agreed on, and France, with the consent of these other Continental powers, took the conduct of the operation into her own hands. In the spring of 1823, a French army was sent into Spain. Its success was complete. The popular government was overthrown, and Ferdinand re-established in all his power. This invasion, Sir, was determined on, and undertaken, precisely on the doctrines which the allied monarchs had proclaimed the year before, at Laybach; that is, that they had a right to interfere in the concerns of another state, and reform its government, in order to prevent the effects of its bad example; this bad example, be it remembered, always being the example of free government. Now, Sir, acting on this principle of supposed dangerous example, and having put down the example of the Cortes in Spain, it was natural to inquire with what eyes they would look on the colonies of Spain, that were following still worse examples. Would King Ferdinand and his allies be content with what had been done in Spain itself, or would he solicit their aid, and was it likely they would grant it, to subdue his rebellious American provinces?

Sir, it was in this posture of affairs, on an occasion which has already been alluded to, that I ventured to say, early in the session of December, 1823, that these allied monarchs might possibly turn their attention to America; that America came within

have enjoyed such unexampled felicity, this whole nation is devoted. We owe it, therefore, to candor, and to the amicable relations existing between the United States and those powers, to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. With the existing colonies or dependencies of any European power, we have not interfered and shall not interfere. But with the governments who have declared their independence and maintained it, and whose independence we have on great consideration and on just principles acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny, in any other light than as the manifestation of an unfriendly disposition toward the United States."

their avowed doctrine, and that her examples might very possibly attract their notice. The doctrines of Laybach were not limited to any continent. Spain had colonies in America, and having reformed Spain herself to the true standard, it was not impossible that they might see fit to complete the work by reconciling, in their way, the colonies to the mother country. Now, Sir, it did so happen, that, as soon as the Spanish king was completely reëstablished, he invited the coöperation of his allies, in regard to South America. In the same month of December, of 1823, a formal invitation was addressed by Spain to the courts of St. Petersburg, Vienna, Berlin, and Paris, proposing to establish a conference at Paris, in order that the plenipotentiaries there assembled might aid Spain in adjusting the affairs of her revolted provinces. These affairs were proposed to be adjusted in such manner as should retain the sovereignty of Spain over them; and though the coöperation of the allies by force of arms was not directly solicited, such was evidently the object aimed at. The king of Spain, in making this request to the members of the Holy Alliance, argued as it has been seen he might argue. He quoted their own doctrines of Laybach; he pointed out the pernicious example of America; and he reminded them that their success in Spain itself had paved the way for successful operations against the spirit of liberty on this side of the Atlantic.

The proposed meeting, however, did not take place. England had already taken a decided course; for as early as October, Mr. Canning, in a conference with the French minister in London, informed him distinctly and expressly, that England would consider any foreign interference, by force or by menace, in the dispute between Spain and the colonies, as a motive for recognizing the latter without delay. It is probable this determination of the English government was known here at the commencement of the session of Congress; and it was under these circumstances, it was in this crisis, that Mr. Monroe's declaration was made. It was not then ascertained whether a meeting of the allies would or would not take place, to concert with Spain the means of reëstablishing her power; but it was plain enough they would be pressed by Spain to aid her operations; and it was plain enough, also, that they had no particular liking to what was taking place on this side of the Atlantic, nor any great disinclina-

tion to interfere. This was the posture of affairs; and, Sir, I concur entirely in the sentiment expressed in the resolution of a gentleman from Pennsylvania,* that this declaration of Mr. Monroe was wise, seasonable, and patriotic.

It has been said, in the course of this debate, to have been a loose and vague declaration. It was, I believe, sufficiently studied. I have understood, from good authority, that it was considered, weighed, and distinctly and decidedly approved, by every one of the President's advisers at that time. Our government could not adopt on that occasion precisely the course which England had taken. England threatened the immediate recognition of the provinces, if the Allies should take part with Spain against them. We had already recognized them. It remained, therefore, only for our government to say how we should consider a combination of the Allied Powers, to effect objects in America, as affecting ourselves; and the message was intended to say, what it does say, that we should regard such combination as dangerous to us. Sir, I agree with those who maintain the proposition, and I contend against those who deny it, that the message did mean something; that it meant much; and I maintain, against both, that the declaration effected much good, answered the end designed by it, did great honor to the foresight and the spirit of the government, and that it cannot now be taken back, retracted, or annulled, without disgrace. It met, Sir, with the entire concurrence and the hearty approbation of the country. The tone which it uttered found a corresponding response in the breasts of the free people of the United States. That people saw, and they rejoiced to see, that, on a fit occasion, our weight had been thrown into the right scale, and that, without departing from our duty, we had done something useful, and something effectual, for the cause of civil liberty. One general glow of exultation, one universal feeling of the gratified love of liberty, one conscious and proud perception of the consideration which the country possessed, and of the respect and honor which belonged to it, pervaded all bosoms. Possibly the public enthusiasm went too far; it certainly did go far. But, Sir, the sentiment which this declaration inspired was not confined to ourselves. Its force was felt everywhere, by all those who could understand its object and foresee its effect. In that

* Mr. Markley

very House of Commons of which the gentleman from South Carolina has spoken with such commendation, how was it received? Not only, Sir, with approbation, but, I may say, with no little enthusiasm. While the leading minister* expressed his entire concurrence in the sentiments and opinions of the American President, his distinguished competitor† in that popular body, less restrained by official decorum, and more at liberty to give utterance to all the feeling of the occasion, declared that no event had ever created greater joy, exultation, and gratitude among all the free men in Europe; that he felt pride in being connected by blood and language with the people of the United States; that the policy disclosed by the message became a great, a free, and an independent nation; and that he hoped his own country would be prevented by no mean pride, or paltry jealousy, from following so noble and glorious an example.

It is doubtless true, as I took occasion to observe the other day, that this declaration must be considered as founded on our rights, and to spring mainly from a regard to their preservation. It did not commit us, at all events, to take up arms on any indication of hostile feeling by the powers of Europe towards South America. If, for example, all the states of Europe had refused to trade with South America until her states should return to their former allegiance, that would have furnished no cause of interference to us. Or if an armament had been furnished by the Allies to act against provinces the most remote from us, as Chili or Buenos Ayres, the distance of the scene of action diminishing our apprehension of danger, and diminishing also our means of effectual interposition, might still have left us to content ourselves with remonstrance. But a very different case would have arisen, if an army, equipped and maintained by these powers, had been landed on the shores of the Gulf of Mexico, and commenced the war in our own immediate neighborhood. Such an event might justly be regarded as dangerous to ourselves, and, on that ground, call for decided and immediate interference by us. The sentiments and the policy announced by the declaration, thus understood, were, therefore, in strict conformity to our duties and our interest.

Sir, I look on the message of December, 1823, as forming a bright page in our history. I will help neither to erase it nor tear

* Mr. Canning. † Mr. Brougham.

it out; nor shall it be, by any act of mine, blurred or blotted. It did honor to the sagacity of the government, and I will not diminish that honor. It elevated the hopes, and gratified the patriotism, of the people. Over those hopes I will not bring a mildew; nor will I put that gratified patriotism to shame.

But how should it happen, Sir, that there should now be such a new-born fear on the subject of this declaration? The crisis is over; the danger is past. At the time it was made, there was real ground for apprehension; now there is none. It was then possible, perhaps not improbable, that the Allied Powers might interfere with America. There is now no ground for any such fear. Most of the gentlemen who have now spoken on the subject were at that time here. They all heard the declaration. Not one of them complained. And yet now, when all danger is over, we are vehemently warned against the sentiments of the declaration.

To avoid this apparent inconsistency, it is, however, contended, that new force has been recently given to this declaration. But of this I see no evidence whatever. I see nothing in any instructions or communications from our government changing the character of that declaration in any degree. There is, as I have before said, in one of Mr. Poinsett's letters, an inaccuracy of expression. If he has recited correctly his conversation with the Mexican minister, he did go too far, farther than any instruction warranted. But, taking his whole correspondence together, it is quite manifest that he has deceived nobody, and that he has not committed the country. On the subject of a pledge, he put the Mexican minister entirely right. He stated to him distinctly, that this government had given no pledge which others could call upon it to redeem. What could be more explicit? Again, Sir, it is plain that Mexico thought us under no greater pledge than England; for the letters to the English and American ministers, requesting interference, were in precisely the same words. When this passage in Mr. Poinsett's letter was first noticed, we were assured there was and must be some other authority for it. It was confidently said he had instructions authorizing it in his pocket. It turns out otherwise. As little ground is there to complain of any thing in the Secretary's letter to Mr. Poinsett. It seems to me to be precisely what it should be. It does not, as has been alleged, propose any coöperation between the government of Mexico and our own. Nothing like it. It instructs

our ministers to bring to the notice of the Mexican government the line of policy which we have marked out for ourselves, acting on our own grounds, and for our own interests; and to suggest to that government, acting on its own ground, and for its own interests, the propriety of following a similar course. Here, Sir, is no alliance, nor even any coöperation.

So, again, as to the correspondence which refers to the appearance of the French fleet in the West India seas. Be it remembered that our government was contending, in the course of this correspondence with Mexico, for an equality in matters of commerce. It insisted on being placed, in this respect, on the same footing as the other Spanish American states. To enforce this claim, our known friendly sentiments towards Mexico, as well as to the rest of the new states, were suggested, and properly suggested. Mexico was reminded of the timely declaration which had been made of these sentiments. She was reminded that she herself had been well inclined to claim the benefit resulting from that declaration, when a French fleet appeared in the neighboring seas; and she was referred to the course adopted by our government on that occasion, with an intimation that she might learn from it how the same government would have acted if other possible contingencies had happened. What is there in all this of any renewed pledge, or what is there of any thing beyond the true line of our policy? Do gentlemen mean to say that the communication made to France, on this occasion, was improper? Do they mean to repel and repudiate that declaration? That declaration was, that we could not see Cuba transferred from Spain to another European power. If the House mean to contradict that, be it so. If it do not, then, as the government had acted properly in this case, it did furnish ground to believe it would act properly, also, in other cases, when they arose. And the reference to this incident or occurrence by the Secretary was pertinent to the argument which he was pressing on the Mexican government.

I have but a word to say on the subject of the declaration against European colonization in America. The late President seems to have thought the occasion used by him for that purpose to be a proper one for the open avowal of a principle which had already been acted on. Great and practical inconveniences, it was feared, might be apprehended from the establishment of

new colonies in America, having a European origin and a European connection. Attempts of that kind, it was obvious, might possibly be made, amidst the changes that were taking place in Mexico, as well as in the more southern states. Mexico bounds us, on a vast length of line, from the Gulf of Mexico to the Pacific Ocean. There are many reasons why it should not be desired by us, that an establishment, under the protection of a different power, should occupy any portion of that space. We have a general interest, that, through all the vast territories rescued from the dominion of Spain, our commerce may find its way, protected by treaties with governments existing on the spot. These views, and others of a similar character, rendered it highly desirable to us, that these new states should settle it, as a part of their policy, not to allow colonization within their respective territories. True, indeed, we did not need their aid to assist us in maintaining such a course for ourselves; but we had an interest in their assertion and support of the principle as applicable to their own territories.

I now proceed, Mr. Chairman, to a few remarks on the subject of Cuba, the most important point of our foreign relations. It is the hinge on which interesting events may possibly turn. I pray gentlemen to review their opinions on this subject before they fully commit themselves. I understood the honorable member from South Carolina to say, that if Spain chose to transfer this island to any power in Europe, she had a right to do so, and we could not interfere to prevent it. Sir, this is a delicate subject. I hardly feel competent to treat it as it deserves; and I am not quite willing to state here all that I think about it. I must, however, dissent from the opinion of the gentleman from South Carolina. The rights of nations, on subjects of this kind, are necessarily very much modified by circumstances. Because England or France could not rightfully complain of the transfer of Florida to us, it by no means follows, as the gentleman supposes, that we could not complain of the cession of Cuba to one of them. The plain difference is, that the transfer of Florida to us was not dangerous to the safety of either of those nations, nor fatal to any of their great and essential interests. Proximity of position, neighborhood, whatever augments the power of injuring and annoying, very properly belong to the consideration of all cases of this kind. The greater or less facility

of access itself is of consideration in such questions, because it brings, or may bring, weighty consequences with it. It justifies, for these reasons and on these grounds, what otherwise might never be thought of. By negotiation with a foreign power, Mr. Jefferson obtained a province. Without any alteration of our Constitution, we have made it part of the United States, and its Senators and Representatives, now coming from several States, are here among us. Now, Sir, if, instead of being Louisiana, this had been one of the provinces of Spain proper, or one of her South American colonies, he must have been a madman that should have proposed such an acquisition. A high conviction of its convenience, arising from proximity and from close natural connection, alone reconciled the country to the measure. Considerations of the same sort have weight in other cases.

An honorable member from Kentucky * argues, that although we might rightfully prevent another power from taking Cuba from Spain by force, yet, if Spain should choose to make the voluntary transfer, we should have no right whatever to interfere. Sir, this is a distinction without a difference. If we are likely to have contention about Cuba, let us first well consider what our rights are, and not commit ourselves. And, Sir, if we have any right to interfere at all, it applies as well to the case of a peaceable as to that of a forcible transfer. If nations be at war, we are not judges of the question of right in that war; we must acknowledge in both parties the mutual right of attack and the mutual right of conquest. It is not for us to set bounds to their belligerent operations so long as they do not affect ourselves. Our right to interfere in any such case is but the exercise of the right of reasonable and necessary self-defence. It is a high and delicate exercise of that right; one not to be made but on grounds of strong and manifest reason, justice, and necessity. The real question is, whether the possession of Cuba by a great maritime power of Europe would seriously endanger our own immediate security or our essential interests. I put the question, Sir, in the language of some of the best considered state papers of modern times. The general rule of national law is, unquestionably, against interference in the transactions of other states. There are, however, acknowledged

* Mr. Wickliffe

exceptions, growing out of circumstances and founded in those circumstances. These exceptions, it has been properly said, cannot without danger be reduced to previous rule, and incorporated into the ordinary diplomacy of nations. Nevertheless, they do exist, and must be judged of, when they arise, with a just regard to our own essential interests, but in a spirit of strict justice and delicacy also towards foreign states.

The ground of these exceptions is, as I have already stated, self-preservation. It is not a slight injury to our interest, it is not even a great inconvenience, that makes out a case. There must be danger to our security, or danger, manifest and imminent danger, to our essential rights and our essential interests. Now, Sir, let us look at Cuba. I need hardly refer to its present amount of commercial connection with the United States. Our statistical tables, I presume, would show us that our commerce with the Havana alone is more in amount than our whole commercial intercourse with France and all her dependencies. But this is but one part of the case, and not the most important. Cuba, as is well said in the report of the Committee of Foreign Affairs, is placed in the mouth of the Mississippi. Its occupation by a strong maritime power would be felt, in the first moment of hostility, as far up the Mississippi and the Missouri as our population extends. It is the commanding point of the Gulf of Mexico. See, too, how it lies in the very line of our coastwise traffic; interposed in the very highway between New York and New Orleans.

Now, Sir, who has estimated, or who can estimate, the effect of a change which should place this island in other hands, subject it to new rules of commercial intercourse, or connect it with objects of a different and still more dangerous nature? Sir, I repeat that I feel no disposition to pursue this topic on the present occasion. My purpose is only to show its importance, and to beg gentlemen not to prejudice any rights of the country by assenting to propositions, which, perhaps, it may be necessary hereafter to review.

And here I differ again with the gentleman from Kentucky. He thinks, that, in this as in other cases, we should wait till the event comes, without any previous declaration of our sentiments upon subjects important to our own rights or our own interests. Sir, such declarations are often the appropriate means of pre-

venting that which, if unprevented, it might be difficult to redress. A great object in holding diplomatic intercourse is frankly to expose the views and objects of nations, and to prevent, by candid explanation, collision and war. In this case, the government had said that we could not assent to the transfer of Cuba to another European state. Can we so assent? Do gentlemen think we can? If not, then it was entirely proper that this intimation should be frankly and seasonably made. Candor required it; and it would have been unpardonable, it would have been injustice, as well as folly, to be silent while we might suppose the transaction to be contemplated, and then to complain of it afterwards. If we should have a subsequent right to complain, we have a previous right, equally clear, of protesting; and if the evil be one which, when it comes, would allow us to apply a remedy, it not only allows us, but it makes it our duty, also to apply prevention.

But, Sir, while some gentlemen have maintained that on the subject of a transfer to any of the European powers the President has said too much, others insist that on that of the occupation of the island by Mexico or Colombia he has said and done too little. I presume, Sir, for my own part, that the strongest language has been directed to the source of greatest danger. Heretofore that danger was, doubtless, greatest which was apprehended from a voluntary transfer. The other has been met as it arose; and, thus far, adequately and sufficiently met.

And here, Sir, I cannot but say that I never knew a more extraordinary argument than we have heard on the conduct of the executive on this part of the case. The President is charged with inconsistency; and in order to make this out, public despatches are read, which, it is said, militate with one another.

Sir, what are the facts? This government saw fit to invite the Emperor of Russia to use his endeavors to bring Spain to treat of peace with her revolted colonies. Russia was addressed on this occasion as the friend of Spain; and, of course, every argument which it was thought might have influence, or ought to have influence, either on Russia or Spain, was suggested in the correspondence. Among other things, the probable loss to Spain of Cuba and Porto Rico was urged; and the question was asked, how it was or could be expected by Spain, that the United States should interfere to prevent Mexico and Colombia

from taking those islands from her, since she was their enemy, in a public war, and since she pertinaciously, and unreasonably, as we think, insists on maintaining the war; and since these islands offered an obvious object of attack. Was not this, Sir, a very proper argument to be urged to Spain? A copy of this despatch, it seems, was sent to the Senate in confidence. It has not been published by the executive. Now, the alleged inconsistency is, that, notwithstanding this letter, the President has interfered to dissuade Mexico and Colombia from attacking Cuba; that, finding or thinking that those states meditated such a purpose, this government has urged them to desist from it. Sir, was ever any thing more unreasonable than this charge? Was it not proper, that, to produce the desired result of peace, our government should address different motives to the different parties in the war? Was it not its business to set before each party its dangers and its difficulties in pursuing the war? And if now, by any thing unexpected, these respective correspondences have become public, are these different views, addressed thus to different parties and with different objects, to be relied on as proof of inconsistency? It is the strangest accusation ever heard of. No government not wholly destitute of common sense would have acted otherwise. We urged the proper motives to both parties. To Spain we urged the probable loss of Cuba; we showed her the dangers of its capture by the new states; and we asked her to inform us on what ground it was that we could interfere to prevent such capture, since she was at war with those states, and they had an unquestionable right to attack her in any of her territories; and, especially, she was asked how she could expect good offices from us on this occasion, since she fully understood our opinion to be that she was persisting in the war without or beyond all reason, and with a sort of desperation. This was the appeal made to the good sense of Spain, through Russia. But soon afterwards, having reason to suspect that Colombia and Mexico were actually preparing to attack Cuba, and knowing that such an event would most seriously affect us, our government remonstrated against such meditated attack, and to the present time it has not been made. In all this, who sees any thing either improper or inconsistent? For myself, I think that the course pursued showed a watchful regard to our own interest, and is wholly free from any imputation either of impropriety or inconsistency.

There are other subjects, Sir, in the President's message, which have been discussed in the debate, but on which I shall not long detain the committee.

It cannot be denied, that, from the commencement of our government, it has been its object to improve and simplify the principles of national intercourse. It may well be thought a fit occasion to urge these improved principles at a moment when so many new states are coming into existence, untrammelled, of course, with previous and long-established connections or habits. Some hopes of benefit connected with these topics are suggested in the message.

The abolition of private war on the ocean is also among the subjects of possible consideration. This is not the first time that that subject has been mentioned. The late President took occasion to enforce the considerations which he thought recommended it. For one, I am not prepared to say how far such abolition may be practicable, or how far it ought to be pursued; but there are views belonging to the subject which have not been, in any degree, answered or considered in this discussion. It is not always the party that has the power of employing the largest military marine that derives the greatest benefit from authorizing privateers in war. It is not enough that there are brave and gallant captors; there must be something to be captured. Suppose, Sir, a war between ourselves and any one of the new states of South America were now existing, who would lose most by the practice of privateering in such a war? There would be nothing for us to attack, while the means of attacking us would flow to our enemies from every part of the world. Capital, ships, and men would be abundant in all their ports, and our commerce, spread over every sea, would be the destined prey. So, again, if war should unhappily spring up among those states themselves, might it not be for our interest, as being likely to be much connected by intercourse with all parties, that our commerce should be free from the visitation and search of private armed ships, one of the greatest vexations to neutral commerce in time of war? These, Sir, are some of the considerations belonging to this subject. I have mentioned them only to show that they well deserve serious attention.

I have not intended to reply to the many observations which have been submitted to us on the message of the President to

this House, or that to the Senate. Certainly I am of opinion, that some of those observations merited an answer, and they have been answered by others. On two points only will I make a remark. It has been said, and often repeated, that the President, in his message to the Senate, has spoken of his own power in regard to missions in terms which the Constitution does not warrant. If gentlemen will turn to the message of President Washington relative to the mission to Lisbon,* they will see almost the exact form of expression used in this case. The other point on which I would make a remark is the allegation that an unfair use has been made, in the argument of the message, of General Washington's Farewell Address. There would be no end, Sir, to comments and criticisms of this sort if they were to be pursued. I only observe, that, as it appears to me, the argument of the message, and its use of the Farewell Address, are not fairly understood. It is not attempted to be inferred from the Farewell Address, that, according to the opinion of Washington, we ought now to have alliances with foreign states. No such thing. The Farewell Address recommends to us to abstain as much as possible from all sorts of political connection with the states of Europe, alleging as the reason for this advice, that Europe has a set of primary interests of her own, separate from ours, and with which we have no natural connection. Now the message argues, and argues truly, that, the new South American states not having a set of interests of their own, growing out of the balance of power, family alliances, and other similar causes, separate from ours, in the same manner and to the same degree as the primary interests of Europe were represented to be, this part of the Farewell Address, aimed at those separate interests expressly, did not apply in this case. But does the message infer from this the propriety of alliances with these new states? Far from it. It infers no such thing. On the contrary, it disclaims all such purpose.

There is one other point, Sir, on which common justice requires a word to be said. It has been alleged that there are material differences as to the papers sent respectively to the two houses. All this, as it seems to me, may be easily and satisfactorily explained. In the first place, the instructions of May,

* Sparks's Washington, Vol. XII. p. 92.

1823, which, it is said, were not sent to the Senate, were instructions on which a treaty had been already negotiated; which treaty had been subsequently ratified by the Senate. It may be presumed, that, when the treaty was sent to the Senate, the instructions accompanied it; and if so, they were actually already before the Senate; and this accounts for one of the alleged differences. In the next place, the letter to Mr. Middleton, in Russia, not sent to the House, but now published by the Senate, is such a paper as possibly the President might not think proper to make public. There is evident reason for such an inference. And, lastly, the correspondence of Mr. Brown, sent here, but not to the Senate, appears from its date to have been received after the communication to the Senate. Probably when sent to us, it was also sent, by another message, to that body.

These observations, Sir, are tedious and uninteresting. I am glad to be through with them. And here I might terminate my remarks, and relieve the patience, now long and heavily taxed, of the committee. But there is one part of the discussion, on which I must ask to be indulged with a few observations.

Pains, Sir, have been taken by the honorable member from Virginia, to prove that the measure now in contemplation, and, indeed, the whole policy of the government respecting South America, is the unhappy result of the influence of a gentleman formerly filling the chair of this House. To make out this, he has referred to certain speeches of that gentleman delivered here. He charges him with having become himself affected at an early day with what he is pleased to call the South American fever; and with having infused its baneful influence into the whole counsels of the country.

If, Sir, it be true that that gentleman, prompted by an ardent love of civil liberty, felt earlier than others a proper sympathy for the struggling colonies of South America; or that, acting on the maxim that revolutions do not go backward, he had the sagacity to foresee, earlier than others, the successful termination of those struggles; if, thus feeling, and thus perceiving, it fell to him to lead the willing or unwilling counsels of his country, in her manifestations of kindness to the new governments, and in her seasonable recognition of their independence, — if it be this which the honorable member imputes to him, if it be by this course of public conduct that he has identified his name

with the cause of South American liberty, he ought to be esteemed one of the most fortunate men of the age. If all this be as is now represented, he has acquired fame enough. It is enough for any man thus to have connected himself with the greatest events of the age in which he lives, and to have been foremost in measures which reflect high honor on his country, in the judgment of mankind. Sir, it is always with great reluctance that I am drawn to speak, in my place here, of individuals; but I could not forbear what I have now said, when I hear, in the House of Representatives, and in this land of free spirits, that it is made matter of imputation and of reproach to have been first to reach forth the hand of welcome and of succor to new-born nations, struggling to obtain and to enjoy the blessings of liberty.

We are told that the country is deluded and deceived by cabalistic words. Cabalistic words! If we express an emotion of pleasure at the results of this great action of the spirit of political liberty; if we rejoice at the birth of new republican nations, and express our joy by the common terms of regard and sympathy; if we feel and signify high gratification that, throughout this whole continent, men are now likely to be blessed by free and popular institutions; and if, in the uttering of these sentiments, we happen to speak of sister republics, of the great American family of nations, or of the political system and forms of government of this hemisphere, then indeed, it seems, we deal in senseless jargon, or impose on the judgment and feeling of the community by cabalistic words! Sir, what is meant by this? Is it intended that the people of the United States ought to be totally indifferent to the fortunes of these new neighbors? Is no change in the lights in which we are to view them to be wrought, by their having thrown off foreign dominion, established independence, and instituted on our very borders republican governments essentially after our own example?

Sir, I do not wish to overrate, I do not overrate, the progress of these new states in the great work of establishing a well-secured popular liberty. I know that to be a great attainment, and I know they are but pupils in the school. But, thank God, they are in the school. They are called to meet difficulties such as neither we nor our fathers encountered. For these we ought to make large allowances. What have we ever known like the

colonial vassalage of these states? When did we or our ancestors feel, like them, the weight of a political despotism that presses men to the earth, or of that religious intolerance which would shut up heaven to all of a different creed? Sir, we sprung from another stock. We belong to another race. We have known nothing, we have felt nothing, of the political despotism of Spain, nor of the heat of her fires of intolerance. No rational man expects that the South can run the same rapid career as the North; or that an insurgent province of Spain is in the same condition as the English colonies when they first asserted their independence. There is, doubtless, much more to be done in the first than in the last case. But on that account the honor of the attempt is not less; and if all difficulties shall be in time surmounted, it will be greater. The work may be more arduous, it is not less noble, because there may be more of ignorance to enlighten, more of bigotry to subdue, more of prejudice to eradicate. If it be a weakness to feel a strong interest in the success of these great revolutions, I confess myself guilty of that weakness. If it be weak *to feel that I am* an American, to think that recent events have not only opened new modes of intercourse, but have created also new grounds of regard and sympathy between ourselves and our neighbors; if it be weak to feel that the South, in her present state, is somewhat more emphatically a part of America than when she lay obscure, oppressed, and unknown, under the grinding bondage of a foreign power; if it be weak to rejoice when, even in any corner of the earth, human beings are able to rise from beneath oppression, to erect themselves, and to enjoy the proper happiness of their intelligent nature; — if this be weak, it is a weakness from which I claim no exemption.

A day of solemn retribution now visits the once proud monarchy of Spain. The prediction is fulfilled. The spirit of Montezuma and of the Incas might now well say, —

> "Art thou, too, fallen, Iberia? Do we see
> The robber and the murderer weak as we?
> Thou! that hast wasted earth and dared despise
> Alike the wrath and mercy of the skies,
> Thy pomp is in the grave; thy glory laid
> Low in the pits thine avarice has made."*

* Cowper's Charity.

Mr. Chairman, I will only detain you with one more reflection on this subject. We cannot be so blind, we cannot so shut up our senses and smother our faculties, as not to see, that, in the progress and the establishment of South American liberty, our own example has been among the most stimulating causes. In their emergencies, they have looked to our experience; in their political institutions, they have followed our models; in their deliberations, they have invoked the presiding spirit of our own liberty. They have looked steadily, in every adversity, to the *great Northern light.* In the hour of bloody conflict, they have remembered the fields which have been consecrated by the blood of our own fathers; and when they have fallen, they have wished only to be remembered with them, as men who had acted their parts bravely for the cause of liberty in the Western World.

Sir, I have done. If it be weakness to feel the sympathy of one's nature excited for such men, in such a cause, I am guilty of that weakness. If it be prudence to meet their proffered civility, not with reciprocal kindness, but with coldness or with insult, I choose still to follow where natural impulse leads, and to give up that false and mistaken prudence for the voluntary sentiments of my heart.

Revolutionary Officers*

Mr. President, — It has not been my purpose to take any part in the discussion of this bill. My opinions in regard to its general object, I hope, are well known; and I had intended to content myself with a steady and persevering vote in its favor. But when the moment of final decision has come, and the division is so likely to be nearly equal, I feel it to be a duty to put, not only my own vote, but my own earnest wishes also, and my fervent entreaties to others, into the doubtful scale.

It must be admitted, Sir, that the persons for whose benefit this bill is designed are, in some respects, peculiarly unfortunate. They are compelled to meet not only objections to the principle, but, whichever way they turn themselves, embarrassing objections also to details. One friend hesitates at this provision, and another at that; while those who are not friends at all of course oppose every thing, and propose nothing. When it was contemplated, heretofore, to give the petitioners a sum outright in satisfaction of their claim, then the argument was, among other things, that the treasury could not bear so heavy a draught on its means at the present moment. The plan is accordingly changed; an annuity is proposed; and then the objection changes also. It is now said, that this is but granting pensions, and that the pension system has already been carried too far. I confess, Sir, I felt wounded, deeply hurt, at the observations of the gentleman from Georgia. "So, then," said he, "these modest and high-minded gentlemen take a pension at last!" How is it possible that a gentleman of his generosity of character, and gen-

* A Speech delivered in the Senate of the United States, on the 25th of April, 1828, on the Bill for the Relief of the Surviving Officers of the Revolution.

eral kindness of feeling, can indulge in such a tone of triumphant irony towards a few old, gray-headed, poor, and broken warriors of the Revolution! There is, I know, something repulsive and opprobrious in the name of pension. But God forbid that I should taunt them with it! With grief, heart-felt grief, do I behold the necessity which leads these veterans to accept the bounty of their country, in a manner not the most agreeable to their feelings. Worn out and decrepit, represented before us by those, their former brothers in arms, who totter along our lobbies, or stand leaning on their crutches, I, for one, would most gladly support such a measure as should consult at once their services, their years, their necessities, and the delicacy of their sentiments. I would gladly give, with promptitude and grace, with gratitude and delicacy, that which merit has earned and necessity demands.

Sir, what are the objections urged against this bill? Let us look at them, and see if they be real; let us weigh them, to know if they be solid; for we are not acting on a slight matter, nor is what we do likely to pass unobserved now, or to be forgotten hereafter. I regard the occasion as one full of interest and full of responsibility. Those individuals, the little remnant of a gallant band, whose days of youth and manhood were spent for their country in the toils and dangers of the field, are now before us, poor and old, — intimating their wants with reluctant delicacy, and asking succor from their country with decorous solicitude. How we shall treat them it behooves us well to consider, not only for their sake, but for our own sake also, and for the sake of the honor of the country. Whatever we do will not be done in a corner. Our constituents will see it; the people will see it; the world will see it.

Let us candidly examine, then, the objections which have been raised to this bill, with a disposition to yield to them, if from necessity we must, but to overcome them, if in fairness we can.

In the first place, it is said that we ought not to pass the bill, because it will involve us in a charge of unknown extent. We are reminded, that, when the general pension law for Revolutionary soldiers passed, an expense was incurred far beyond what had been contemplated; that the estimate of the number of surviving Revolutionary soldiers proved altogether fallacious;

and that, for aught we know, the same mistake may be committed now.

Is this objection well founded? Let me say, in the first place, that if one measure, right in itself, has gone farther than it was intended to be carried, for want of accurate provisions and adequate guards, this may furnish a very good reason for supplying such guards and provisions in another measure, but can afford no ground at all for rejecting such other measure altogether, if it be in itself just and reasonable. We should avail ourselves of our experience, it seems to me, to correct what has been found amiss; and not draw from it an undistinguishing resolution to do nothing, merely because it has taught us, that, in something we have already done, we have acted with too little care. In the next place, does the fact bear out this objection? Is there any difficulty in ascertaining the number of the officers who will be benefited by this bill, and in estimating the expense, therefore, which it will create? I think there is none. The records in the department of war and the treasury furnish such evidence that there is no danger of material mistake. The diligence of the chairman of the committee has enabled him to lay the facts connected with this part of the case so fully and minutely before the Senate, that I think no one can feel serious doubt. Indeed, it is admitted by the adversaries of the bill, that this objection does not apply here with the same force as in the former pension-law. It is admitted that there is a greater facility in this case than in that, in ascertaining the number and names of those who will be entitled to receive that bounty.

This objection, then, is not founded in true principle; and if it were, it is not sustained by the facts. I think we ought not to yield to it, unless, (which I know is not the sentiment which pervades the Senate,) feeling that the measure ought not to pass, we still prefer not to place our opposition to it on a distinct and visible ground, but to veil it under vague and general objections.

In the second place, it has been objected that the operation of the bill will be unequal, because all officers of the same rank will receive equal benefit from it, although they entered the army at different times, and were of different ages. Sir, is not this that sort of inequality which must always exist in every general provision. Is it possible that any law can descend into such par-

ticulars? Would there be any reason why it should do so, if it could? The bill is intended for those who, being in the army in October, 1780, then received a solemn promise of half-pay for life, on condition that they would continue to serve through the war. Their ground of merit is, that, whensoever they joined the army, being thus solicited by their country to remain in it, they at once went for the whole; they fastened their fortunes to the standards which they bore, and resolved to continue their military service till it should terminate either in their country's success or in their own death. This is their merit and their ground of claim. How long they had been already in service, is immaterial and unimportant. They were then in service; the salvation of their country depended on their continuing in that service. Congress saw this imperative necessity, and earnestly solicited them to remain, and promised the compensation. They saw the necessity also, and they yielded to it.

But, again, it is said that the present time is not auspicious. The bill, it is urged, should not pass now. The venerable member from North Carolina says, as I understood him, that he would be almost as willing that the bill should pass at some other session, as be discussed at this. He speaks of the distresses of the country at the present moment, and of another bill, now in the Senate, having, as he thinks, the effect of laying new taxes upon the people. He is for postponement. But it appears to me, with entire respect for the honorable member, that this is one of the cases least of all fit for postponement. It is not a measure that, if omitted this year, may as well be done next. Before the next year comes, some of those who need the relief may be beyond its reach. To postpone for another year an annuity to persons already so aged, — an annuity founded on the merit of services which were rendered half a century ago, — to postpone to another whole year a bill for the relief of deserving men, — proposing, not aggrandizement, but support, not emolument, but bread, — is a mode of disposing of it in which I cannot concur.

But it is argued, in the next place, that the bill ought not to pass, because those who have spoken in its favor have placed it on different grounds. They have not agreed, it is said, whether it is to be regarded as a matter of right, or matter of gratuity, or bounty. Is there weight in this objection? If some think

the grant ought to be made, as an exercise of judicious and well-deserved bounty, does it weaken that ground that others think it founded in strict right, and that we cannot refuse it without manifest and palpable injustice? Or is it strange that those who feel the legal justice of the claim should address to those who do not feel it considerations of a different character, but fit to have weight, and which they hope may have weight? Nothing is more plain and natural than the course which this application has taken. The applicants themselves have placed it on the ground of equity and law. They advert to the resolve of 1780, to the commutation of 1783, and to the mode of funding the certificates. They stand on their contract. This is perfectly natural. On that basis they can present the argument themselves. Of what is required by justice and equity, they may reason, even in their own case. But when the application is placed on different grounds; when personal merit is to be urged as the foundation of a just and economical bounty; when services are to be mentioned, privations recounted, pains enumerated, and wounds and scars referred to, the discussion necessarily devolves upon others. In all that we have seen from these officers in the various papers presented by them, it cannot but be obvious to every one how little is said of personal merit, and how exclusively they confine themselves to what they think their rights under the contract.

I must confess, Sir, that principles of equity, which appear to me as plain as the sun, are urged by the memorialists themselves with great caution, and much qualification. They advance their claim of right without extravagance or overstraining; and they submit to it the unimpassioned sense of justice of the Senate.

For myself, I am free to say, that, if it were a case between individual and individual, I think the officers would be entitled to relief in a court of equity. I may be mistaken, but such is my opinion. My reasons are, that I do not think they had a fair option in regard to the commutation of half-pay. I do not think it was fairly in their power to accept or reject that offer. The condition they were in, and the situation of the country, compelled them to submit to whatever was proposed. In the next place, it seems to me too evident to be denied, that the five years' full pay was never effectually received by them. A

formal compliance with the terms of the contract, not a real compliance, is at most all that ever took place. For these reasons, I think, in an individual case, law and equity would reform the settlement. The conscience of chancery would deal with this case as with other cases of hard bargains; of advantages obtained by means of inequality of situation; of acknowledged debts, compounded from necessity, or compromised without satisfaction. But although such would be my views of this claim, as between man and man, I do not place my vote for this bill on that ground. I see the consequence of admitting the claim, on the foundation of strict right. I see at once, that, on that ground, the heirs of the dead would claim, as well as the living; and that other public creditors, as well as these holders of commutation certificates, would also have whereof to complain. I know it is altogether impossible to open the accounts of the Revolution, and to think of doing justice to every body. Much of suffering there necessarily was, that can never be paid for; much of loss that can never be repaired. I do not, therefore, for myself, rest my vote on grounds leading to any such consequences. I feel constrained to say, that we cannot do, and ought not to think of doing, every thing in regard to Revolutionary debts which might be desirable, if the whole settlement were now to be gone over anew.

The honorable member from New York* has stated what I think the true ground of the bill. I regard it as an act of discreet and careful bounty, drawn forth by meritorious services and by personal necessities. I cannot argue, in this case, with the technicality of my profession; and because I do not feel able to allow the claim on the ground of mere right, I am not willing, for that reason, to nonsuit the petitioners, as not having made out their case. Suppose we admit, as I do, that, on the ground of mere right, it would not be safe to allow it; or, suppose that to be admitted for which others contend, that there is in the case no strict right upon which under any circumstances, the claim could stand; still it does not follow that there is no reasonable and proper foundation for it, or that it ought not to be granted. If it be not founded on strict right, it is not to be regarded as being, for that reason alone, an undeserved gratuity,

* Mr. Van Buren.

or the effusion of mere good-will. If that which is granted be not always granted on the ground of absolute right, it does not follow that it is granted merely from an arbitrary preference, or capricious beneficence. In most cases of this sort, mixed considerations prevail, and ought to prevail. Some consideration is due to the claim of right; much to that of merit and service; and more to that of personal necessity. If I knew that all the persons to be benefited by this bill were in circumstances of comfort and competency, I should not support it. But this I know to be otherwise. I cannot dwell with propriety or delicacy on this part of the case; but I feel its force, and I yield to it. A single instance of affluence, or a few cases where want does not tread close on those who are themselves treading close on the borders of the grave, does not affect the general propriety and necessity of the measure. I would not draw this reason for the bill into too much prominence. We all know it exists; and we may, I think, safely act upon it, without so discussing it as to wound, in old, but sensitive and still throbbing bosoms, feelings which education inspired, the habits of military life cherished, and a just self-respect is still desirous to entertain. I confess I meet this claim, not only with a desire to do something in favor of these officers, but to do it in a manner indicative, not only of decorum, but of deep respect, — that respect which years, age, public service, patriotism, and broken fortune, command to spring up in every manly breast.

It is, then, Sir, a mixed claim of faith and public gratitude, of justice and honorable bounty, of merit and benevolence. It stands on the same foundation as that grant, which no one regrets, of which all are proud, made to the illustrious foreigner, who showed himself so early, and has proved himself so constantly and zealously, a friend to our country.

Then, again, it is objected, that the militia have a claim upon us; that they fought at the side of the regular soldiers, and ought to share in the country's remembrance. But it is known to be impossible to carry the measure to such an extent as to embrace the militia; and it is plain, too, that the cases are different. The bill, as I have already said, confines itself to those who served not occasionally, not temporarily, but permanently; who allowed themselves to be counted on as men who were to see the contest through, last as long as it might; and who have

made the phrase "'listing during the war" a proverbial expression, signifying unalterable devotion to our cause, through good fortune and ill fortune, till it reaches its close. This is a plain distinction; and although, perhaps, I might wish to do more, I see good ground to stop here for the present, if we must stop anywhere. The militia who fought at Concord, at Lexington, and at Bunker's Hill, have been alluded to, in the course of this debate, in terms of well-deserved praise. Be assured, Sir, there could with difficulty be found a man who drew his sword, or carried his musket, at Concord, at Lexington, or Bunker's Hill, who would wish you to reject this bill. They might ask you to do more, but never to refrain from doing this. Would to God they were assembled here, and had the fate of the bill in their own hands! Would to God the question of its passage were to be put to them! They would affirm it, with a unity of acclamation that would rend the roof of the Capitol.

I support the measure, then, Mr. President, because I think it a proper and judicious exercise of well-merited national bounty. I think, too, the general sentiment of my own constituents, and of the country, is in favor of it. I believe the member from North Carolina himself admitted, that an increasing desire that something should be done for the Revolutionary officers manifested itself in the community. The bill will make no immediate or great draught on the treasury. It will not derange the finances. If I had supposed that the state of the treasury would have been urged against the passage of this bill, I should not have voted for the Delaware breakwater, because that might have been commenced next year; nor for the whole of the sums which have been granted for fortifications; for their advancement with a little more or a little less of rapidity is not of the first necessity. But the present case is urgent. What we do should be done quickly.

Mr. President, allow me to repeat, that neither the subject nor the occasion is an ordinary one. Our own fellow-citizens do not so consider it; the world will not so regard it. A few deserving soldiers are before us, who served their country faithfully through a seven years' war. That war was a civil war. It was commenced on principle, and sustained by every sacrifice, on the great ground of civil liberty. They fought bravely, and bled freely. The cause succeeded, and the country triumphed. But

the condition of things did not allow that country, sensible as it was to their services and merits, to do them the full justice which it desired. It could not entirely fulfil its engagements. The army was to be disbanded; but it was unpaid. It was to lay down its own power; but there was no government with adequate power to perform what had been promised to it. In this critical moment, what is its conduct? Does it disgrace its high character? Is temptation able to seduce it? Does it speak of righting itself? Does it undertake to redress its own wrongs by its own sword? Does it lose its patriotism in its deep sense of injury and injustice? Does military ambition cause its integrity to swerve? Far, far otherwise.

It had faithfully served and saved the country; and to that country it now referred, with unhesitating confidence, its claim and its complaints. It laid down its arms with alacrity; it mingled itself with the mass of the community; and it waited till, in better times, and under a new government, its services might be rewarded, and the promises made to it fulfilled. Sir, this example is worth more, far more, to the cause of civil liberty, than this bill will cost us. We can hardly recur to it too often, or dwell on it too much, for the honor of our country and of its defenders. Allow me to say, again, that meritorious service in civil war is worthy of peculiar consideration; not only because there is, in such wars, usually less power to restrain irregularities, but because, also, they expose all prominent actors in them to different kinds of danger. It is rebellion as well as war. Those who engage in it must look, not only to the dangers of the field, but to confiscation also, and attainder, and ignominious death. With no efficient and settled government, either to sustain or to control them, and with every sort of danger before them, it is great merit to have conducted themselves with fidelity to the country, under every discouragement on the one hand, and with unconquerable bravery towards the common enemy on the other. Such, Sir, was the conduct of the officers and soldiers of the Revolutionary army.

I would not, and do not, underrate the services or the sufferings of others. I know well, that in the Revolutionary contest all made sacrifices, and all endured sufferings; as well those who paid for service, as those who performed it. I know that, in the records of all the little municipalities of New England, abundant

proof exists of the zeal with which the cause was espoused, and the sacrifices with which it was cheerfully maintained. I have often there read, with absolute astonishment, of the taxes, the contributions, the heavy subscriptions, sometimes provided for by disposing of the absolute necessaries of life, by which enlistments were procured, and food and clothing furnished. It would be, Sir, to these same municipalities, to these same little patriotic councils of Revolutionary times, that I should now look, with most assured confidence, for a hearty support of what this bill proposes. There, the scale of Revolutionary merit stands high. There are still those living who speak of the 19th of April, and the 17th of June, without thinking it necessary to add the year. These men, one and all, would rejoice to find that those who stood by the country bravely, through the doubtful and perilous struggle which conducted it to independence and glory, had not been forgotten in the decline and close of life.

The objects, then, Sir, of the proposed bounty, are most worthy and deserving objects. The services which they rendered were in the highest degree useful and important. The country to which they rendered them is great and prosperous. They have lived to see it glorious; let them not live to see it unkind. For me, I can give them but my vote and my prayers; and I give them both with my whole heart.

Second Speech on the Tariff*

MR. PRESIDENT, — This subject is surrounded with embarrassments on all sides. Of itself, however wisely or temperately treated, it is full of difficulties; and these difficulties have not been diminished by the particular frame of this bill, nor by the manner hitherto pursued of proceeding with it. A diversity of interests exists, or is supposed to exist, in different parts of the country; this is one source of difficulty. Different opinions are entertained as to the constitutional power of Congress; this is another. And then, again, different members of the Senate have instructions which they feel bound to obey, and which clash with one another. We have this morning seen an honorable member from New York, an important motion being under consideration, lay his instructions on the table, and point to them as his power of attorney, and as containing the directions for his vote.

Those who intend to oppose this bill, under all circumstances, and in any or all forms, care not how objectionable it now is, or how bad it may be made. Others, finding their own leading objects satisfactorily secured by it, naturally enough press forward, without staying to consider deliberately how injuriously other interests may be affected. All these causes create embarrassments, and inspire just fears that a wise and useful result is hardly to be expected. There seems a strange disposition to run the hazard of extremes; and to forget that, in cases of this kind, measure, proportion, and degree are objects of inquiry, and the true rules of judgment. I have not had the slightest wish

* Speech delivered in the Senate of the United States, on the 9th of May, 1828, on the Tariff Bill.

to discuss the measure; not believing that, in the present state of things, any good could be done by me in that way. But the frequent declaration that this was altogether a New England measure, a bill for securing a monopoly to the capitalists of the North, and other expressions of a similar nature, have induced me to address the Senate on the subject.

New England, Sir, has not been a leader in this policy. On the contrary, she held back herself and tried to hold others back from it, from the adoption of the Constitution to 1824. Up to 1824, she was accused of sinister and selfish designs, *because she discountenanced the progress of this policy.* It was laid to her charge then, that, having established her manufactures herself, she wished that others should not have the power of rivalling her, and for that reason opposed all legislative encouragement. Under this angry denunciation against her, the act of 1824 passed. Now, the imputation is precisely of an opposite character. The present measure is pronounced to be exclusively for the benefit of New England; to be brought forward by her agency, and designed to gratify the cupidity of the proprietors of her wealthy establishments.

Both charges, Sir, are equally without the slightest foundation. The opinion of New England up to 1824 was founded in the conviction that, on the whole, it was wisest and best, both for herself and others, that manufactures should make haste slowly. She felt a reluctance to trust great interests on the foundation of government patronage; for who could tell how long such patronage would last, or with what steadiness, skill, or perseverance it would continue to be granted? It is now nearly fifteen years since, among the first things which I ever ventured to say here, I expressed a serious doubt whether this government was fitted, by its construction, to administer aid and protection to particular pursuits; whether, having called such pursuits into being by indications of its favor, it would not afterwards desert them, should troubles come upon them, and leave them to their fate. Whether this prediction, the result, certainly, of chance, and not of sagacity, is about to be fulfilled, remains to be seen.

At the same time it is true, that, from the very first commencement of the government, those who have administered its concerns have held a tone of encouragement and invitation towards

those who should embark in manufactures. All the Presidents, I believe without exception, have concurred in this general sentiment; and the very first act of Congress laying duties on imports adopted the then unusual expedient of a preamble, apparently for little other purpose than that of declaring that the duties which it imposed were laid for the encouragement and protection of manufactures. When, at the commencement of the late war, duties were doubled, we were told that we should find a mitigation of the weight of taxation in the new aid and succor which would be thus afforded to our own manufacturing labor. Like arguments were urged, and prevailed, but not by the aid of New England votes, when the tariff was afterwards arranged, at the close of the war in 1816. Finally, after a whole winter's deliberation, the act of 1824 received the sanction of both houses of Congress, and settled the policy of the country. What, then, was New England to do? She was fitted for manufacturing operations, by the amount and character of her population, by her capital, by the vigor and energy of her free labor, by the skill, economy, enterprise, and perseverance of her people. I repeat, What was she under these circumstances to do? A great and prosperous rival in her near neighborhood, threatening to draw from her a part, perhaps a great part, of her foreign commerce; was she to use, or to neglect, those other means of seeking her own prosperity which belonged to her character and her condition? Was she to hold out for ever against the course of the government, and see herself losing on one side, and yet make no effort to sustain herself on the other? No, Sir. Nothing was left to New England, after the act of 1824, but to conform herself to the will of others. Nothing was left to her, but to consider that the government had fixed and determined its own policy; and that policy was *protection*.

New England, poor in some respects, in others is as wealthy as her neighbors. Her soil would be held in low estimation by those who are acquainted with the valley of the Mississippi and the fertile plains of the South. But in industry, in habits of labor, skill, and in accumulated capital, the fruit of two centuries of industry, she may be said to be rich. After this final declaration, this solemn promulgation of the policy of the government, I again ask, What was she to do? Was she to deny herself the use of her advantages, natural and acquired? Was she to con-

tent herself with useless regrets? Was she longer to resist what she could no longer prevent? Or was she, rather, to adapt her acts to her condition; and, seeing the policy of the government thus settled and fixed, to accommodate to it as well as she could her own pursuits and her own industry? Every man will see that she had no option. Every man will confess that there remained for her but one course. She not only saw this herself, but had all along foreseen, that, if the system of protecting manufactures should be adopted, she must go largely into them. I believe, Sir, almost every man from New England who voted against the law of 1824 declared that, if, notwithstanding his opposition to that law, it should still pass, there would be no alternative but to consider the course and policy of the government as then settled and fixed, and to act accordingly. The law did pass; and a vast increase of investment in manufacturing establishments was the consequence. Those who made such investments probably entertained not the slighest doubt that as much as was promised would be effectually granted; and that if, owing to any unforeseen occurrence or untoward event, the benefit designed by the law to any branch of manufactures should not be realized, it would furnish a fair case for the consideration of government. Certainly they could not expect, after what had passed, that interests of great magnitude would be left at the mercy of the very first change of circumstances which might occur.

As a general remark, it may be said, that the interests concerned in the act of 1824 did not complain of their condition under it, excepting only those connected with the woollen manufactures. These did complain, not so much of the act itself as of a new state of circumstances, unforeseen when the law passed, but which had now arisen to thwart its beneficial operations as to them, although in one respect, perhaps, the law itself was thought to be unwisely framed.

Three causes have been generally stated as having produced the disappointment experienced by the manufacturers of wool under the law of 1824.

First, it is alleged that the price of the raw material has been raised too high by the act itself. This point had been discussed at the time, and although opinions varied, the result, so far as it depended on this part of the case, though it may be

said to have been unexpected, was certainly not entirely unforeseen.*

But, secondly, the manufacturers imputed their disappointment to a reduction of the price of wool in England, which took place just about the date of the law of 1824. This reduction was produced by lowering the duty on imported wool from sixpence sterling to one penny sterling per pound. The effect of this is obvious enough; but in order to see the real extent of the reduction, it may be convenient to state the matter more particularly.

The meaning of our law was doubtless to give the American manufacturer an *advantage* over his English competitors. *Protection* must mean this, or it means nothing. The English manufacturer having certain advantages on his side, such as the lower price of labor and the lower interest of money, the object of our law was to counteract these advantages by creating others, in behalf of the American manufacturer. Therefore, to see what was necessary to be done in order that the American manufacturer might sustain the competition, a comparison of the respective advantages and disadvantages was to be made. In this view the very first element to be considered was, what is the cost of the raw material to each party. On this the whole must materially depend. Now when the law of 1824 passed, the English manufacturer paid a duty of sixpence sterling per pound on imported wool. But in a very few days afterwards, this duty was reduced by Parliament from sixpence to a penny. A reduction of five pence per pound in the price of wool was estimated in Parliament to be equal to a reduction of twenty-six per cent. *ad valorem* on all imported wool; and this reduction, it is obvious, had its effect on the price of home-produced wool also. Almost, then, at the very moment that the framers of the act of 1824 were raising the price of the raw material here, as that act did raise it, it was lowered in England by the very great reduction of twenty-six per cent. Of course, this changed the whole basis of the calculation. It wrought a complete change in the relative advantages and disadvantages of the English and American competitors, and threw the preponderance of advantage most decidedly on the side of the English.

* See above, p. 135.

If the American manufacturer had not vastly too great a preference before this reduction took place, it is clear he had too little afterwards.

In a paper which has been presented to the Senate, and often referred to, — a paper distinguished for the ability and clearness with which it enforces general principles, — the Boston Report, it is clearly proved (what, indeed, is sufficiently obvious from the mere comparison of dates) that the British government did not reduce its duty on wool *because* of our act of 1824. Certainly this is true; but the effect of that reduction on our manufactures was the same precisely as if the British act had been designed to operate against them, and for no other purpose. I think it cannot be doubted that our law of 1824, and the reduction of the wool duty in England, taken together, left our manufactures in a worse condition than they were before. If there was any reasonable ground, therefore, for passing the law of 1824, there is now the same ground for some other measure; and this ground, too, is strengthened by the consideration of the hopes excited, the enterprises undertaken, and the capital invested, in consequence of that law.

In the last place, it was alleged by the manufacturers that they suffered from the mode of collecting the duties on woollen fabrics at the custom-houses. These duties are *ad valorem* duties. Such duties, from the commencement of the government, have been estimated by reference to the invoice, as fixing the value at the place whence imported. When not suspected to be false or fraudulent, the *invoice* is the regular proof of value. Originally this was a tolerably safe mode of proceeding. While the importation was mainly in the hands of American merchants, the invoice would of course, if not false or fraudulent, express the terms and the price of an actual purchase and sale. But an invoice is not necessarily an instrument expressing the sale of goods, and their prices. If there be but a list or catalogue, with prices stated by way of estimate, it is still an invoice, and within the law. Now the suggestion is, that the English manufacturer, in making out an invoice, in which prices are thus stated by himself in the way of estimate merely, is able to obtain an important advantage over the American merchant who purchases in the same market, and whose invoice states, consequently, the actual prices, on the sale. In proof of this

suggestion, it is alleged that, in the largest importing city in the Union, a very great proportion, some say nearly all, of the woollen fabrics are imported on foreign account. The various papers which have come before us, praying for a tax on auction sales, aver that the invoice of the foreign importer is generally much lower than that of the American importer; and that, in consequence of this and of the practice of sales at auction, the American merchant must be driven out of the trade. I cannot answer for the entire accuracy of these statements, but I have no doubt there is something of truth in them. The main facts have been often stated, and I have neither seen nor heard a denial of them.

Is it true, then, that nearly the whole importation of woollens is, in the largest importing city, in the hands of foreigners? Is it true, as stated, that the invoices of such foreign importers are generally found to be lower than those of the American importer? If these things be so, it will be admitted that there is reason to believe that undervaluations do take place, and that some corrective for the evil should be administered. I am glad to see that the American merchants themselves begin to bestow attention upon a subject, as interesting to them as it is to the manufacturers.

Under this state of things, Sir, the law of the last session was proposed. It was confined, as I thought properly, to wool and woollens. It took up the great and leading subject of complaint, and nothing else. It was urged, indeed, against that bill, that, although much had been said of frauds at the custom-house, no provision was made in it for the prevention of such frauds. That is a mistake. The general frame of the bill was such, that, if skilfully drawn and adapted to its purpose, its tendency to prevent such frauds would be manifest. By the fixing of prices at successive points of graduation, or *minimums*, as they are called, the power of evading duties by undervaluations would be most materially restrained. If these points, indeed, were sufficiently distant, it is obvious the duty would assume something of the certainty and precision of a specific duty. But this bill failed, and Congress adjourned in March, last year, leaving the subject where it had found it.

The complaints which had given rise to the bill continued; and in the course of the summer a meeting of the wool-growers and wool-manufacturers was held in Pennsylvania, at which

a petition to Congress was agreed upon. I do not feel it necessary, on behalf of the citizens of Massachusetts, to disclaim a participation in that meeting. Persons of much worth and respectability attended it from Massachusetts, and its proceedings and results manifested, I think, a degree of temper and moderation highly creditable to those who composed it.

But while the bill of last year was confined to that which alone had been a subject of complaint, the bill now before us is of a very different description. It proposes to raise duties on various other articles besides wool and woollens. It contains some provisions which bear with unnecessary severity on the whole community; others which affect, with peculiar hardship, particular interests; while both of them benefit nobody and nothing but the treasury. It contains provisions which, with whatever motive put into it, it is confessed are now kept in for the very purpose of destroying the bill altogether; or with the intent to compel those who expect to derive benefit, to feel smart from it also. Probably such a motive of action has not often been avowed.

The wool manufacturers think they have made out a case for the interposition of Congress. They happen to live principally at the North and East; and in a bill professing to be for their relief, other provisions are found, which are supposed (and supported *because* they are supposed) to be such as will press with peculiar hardship on that quarter of the country. Sir, what can be expected, but evil, when a temper like this prevails? How can such a hostile, retaliatory legislation be reconciled to common justice, or common prudence? Nay, Sir, this rule of action seems carried still farther. Not only are clauses found, and continued in the bill, which oppress particular interests, but taxes are laid also, which will be severely felt by the whole Union; and this, too, with the same design, and for the same end before mentioned, of causing the smart of the bill to be felt. Of this description is the molasses tax; a tax, in my opinion, absurd and preposterous, in relation to any object of protection, needlessly oppressive to the whole community, and beneficial nowhere on earth but at the treasury. And yet here it is, and here it is kept, under an idea, conceived in ignorance and cherished for a short-lived triumph, that New England will be deterred by this tax from protecting her extensive woollen manufactures; or

if not, that the authors of this policy may at least have the pleasure, the high pleasure, of perceiving that she feels the ill effects of this part of the bill.

Sir, let us look for a moment at this tax. The molasses imported into the United States amounts to thirteen millions of gallons annually. Of this quantity, not more than three millions are distilled; the remaining ten millions being consumed, as an article of wholesome food. The proposed tax is not to be laid for revenue. That is not pretended. It was not introduced for the benefit of the sugar-planters. They are contented with their present condition, and have applied for nothing. What, then, was the object? Sir, the original professed object was to increase, by this new duty on molasses, the consumption of spirits distilled from grain. This, I say, was the object originally professed. But in this point of view the measure appears to me to be preposterous. It is monstrous, and out of all proportion and relation of means to ends. It proposes to double the duty on the ten millions of gallons of molasses which are consumed for food, in order that it may likewise double the duty on the three millions which are distilled into spirits; and all this for the contingent and doubtful purpose of augmenting the consumption of spirits distilled from grain. I say contingent and doubtful purpose, because I do not believe any such effect will be produced. I do not think a hundred gallons more of spirits distilled from grain will find a market in consequence of this tax on molasses. The debate, here and elsewhere, has shown that, I think, clearly. But suppose some slight effect of that kind should be produced, is it so desirable an object as that it should be sought by such means? Shall we tax food to encourage intemperance? Shall we raise the price of a wholesome article of sustenance, of daily consumption, especially among the poorer classes, in order that we may enjoy a mere chance of causing these same classes to use more of our home-made ardent spirits?

Sir, the bare statement of this question puts it beyond the reach of all argument. No man will seriously undertake the defence of such a tax. It is better, much more candid certainly, to admit, as has been admitted, that, obnoxious as it is and abominable as it is, it is kept in the bill with a special view to its effects on New England votes and New England interests.

The bill also takes away all the drawback allowed by existing laws on the exportation of spirits distilled from molasses; and this, it is supposed, and truly supposed, will injuriously affect New England. It will have this effect to a considerable degree; for the exportation of such spirits is a part of her trade, and, though not great in amount, it is a part which mingles usefully with the exportation of other articles, assists to make out an assorted cargo, and finds a market in the North of Europe, the Mediterranean, and in South America. This exportation the bill proposes entirely to destroy.

The increased duty on molasses, while it thus needlessly and wantonly enhances the price to the consumer, may affect also, in a greater or less degree, the importation of that article; and be thus injurious to the commerce of the country. The importation of molasses, in exchange for lumber, provisions, and other articles of our own production, is one of the largest portions of our West India trade, — a trade, it may be added, though of small profit, yet of short voyages, suited to small capitals, employing many hands and much navigation, and the earliest and oldest branch of our foreign commerce. That portion of this trade which we now enjoy is conducted on the freest and most liberal principles. The exports which sustain it are from the East, the South, and the West; every part of the country having thus an interest in its continuance and extension. A market for these exports is of infinitely more importance to any of these portions of the country, than all the benefit to be expected from the supposed increased consumption of spirits distilled from grain.

Yet, Sir, this tax is to be kept in the bill, that New England may be made *to feel*. Gentlemen who hold it to be wholly unconstitutional to lay any tax whatever for the purposes intended by this bill, cordially vote for this tax. An honorable gentleman from Maryland* calls the whole bill a "bill of abominations." This tax, he agrees, is one of its abominations, yet he votes for it. Both the gentlemen from North Carolina have signified their dissatisfaction with the bill, yet they have both voted to double the tax on molasses. Sir, do gentlemen flatter themselves that this course of policy can answer their purposes?

* Mr. Smith.

Do they not perceive that such a mode of proceeding, with a view to such avowed objects, must waken a spirit that shall treat taunt with scorn and bid menace defiance? Do they not know (if they do not, it is time they did) that a policy like this, avowed with such self-satisfaction, persisted in with a delight which should only accompany the discovery of some new and wonderful improvement in legislation, will compel every New England man to feel that he is degraded and debased if he does not resist it?

Sir, gentlemen mistake us; they greatly mistake us. To those who propose to conduct the affairs of government, and to enact laws on such principles as these and for such objects as these, New England, be assured, will exhibit, not submission, but resistance; not humiliation, but disdain. Against her, depend on it, nothing will be gained by intimidation. If you propose to suffer yourselves in order that she may be made to suffer also, she will bid you come on; she will meet challenge with challenge; she will invite you to do your worst, and your best, and to see who will hold out longest. She has offered you every one of her votes in the Senate to strike out this tax on molasses. You have refused to join her, and to strike it out. With the aid of the votes of any one Southern State, for example, of North Carolina, it could have been struck out. But North Carolina has refused her votes for this purpose. She has voted to keep the tax in, and to keep it in at the highest rate. And yet, Sir, North Carolina, whatever she may think of it, is fully as much interested in this tax as Massachusetts. I think, indeed, she is more interested, and that she will feel it more heavily and sorely. She is herself a great consumer of the article, throughout all her classes of population. This increase of the duty will levy on her citizens a new tax of fifty thousand dollars a year, or more; and yet her representatives on this floor support the tax, although they have so often told us that her people are now poor, and already borne down with taxes. North Carolina will feel this tax also in her trade, for what foreign commerce has she more useful to her than the West India market for her provisions and lumber? And yet the gentlemen from North Carolina insist on keeping this tax in the bill. Let them not, then, complain. Let them not hereafter call it the work of others. It is their own work. Let them not lay it to the manufacturers.

The manufacturers have had nothing to do with it. Let them not lay it to the wool-growers. The wool-growers have had nothing to do with it. Let them not lay it to New England. New England has done nothing but oppose it, and ask them to oppose it also. No, Sir; let them take it to themselves. Let them enjoy the fruit of their own doings. Let them assign their motives for thus taxing their own constituents, and abide their judgment; but do not let them flatter themselves that New England cannot pay a molasses tax as long as North Carolina chooses that such a tax shall be paid.

Sir, I am sure there is nobody here envious of the prosperity of New England, or who would wish to see it destroyed. But if there be such anywhere, I cannot cheer them by holding out the hope of a speedy accomplishment of their wishes. The prosperity of New England, like that of other parts of the country, may, doubtless, be affected injuriously by unwise or unjust laws. It may be impaired, especially, by an unsteady and shifting policy, which fosters particular objects to-day, and abandons them to-morrow. She may advance faster, or slower; but the propelling principle, be assured, is in her, deep, fixed, and active. Her course is onward and forward. The great powers of free labor, of moral habits, of general education, of good institutions, of skill, enterprise, and perseverance, are all working with her, and for her; and on the small surface which her population covers, she is destined, I think, to exhibit striking results of the operation of these potent causes, in whatever constitutes the happiness or the ornament of human society.

Mr. President, this tax on molasses will benefit the treasury, though it will benefit nobody else. Our finances will, at least, be improved by it. I assure the gentlemen, we will endeavor to use the funds thus to be raised properly and wisely, and to the public advantage. We have already passed a bill for the Delaware breakwater; another is before us, for the improvement of several of our harbors; the Chesapeake and Ohio Canal bill has this moment been brought into the Senate; and next session we hope to bring forward the breakwater at Nantucket. These appropriations, Sir, will require pretty ample means; it will be convenient to have a well-supplied treasury; and I state for the especial consolation of the honorable gentlemen from North Carolina, that so long as they choose to compel their constit-

uents, and my constituents, to pay a molasses tax, the proceeds thereof shall be appropriated, as far as I am concerned, to valuable national objects, in useful and necessary works of internal improvements.

Mr. President, in what I have now said, I have but followed where others have led, and compelled me to follow. I have but exhibited to gentlemen the necessary consequences of their own course of proceeding. But this manner of passing laws is wholly against my own judgment, and repugnant to all my feelings. And I would, even now, once more solicit gentlemen to consider whether a different course would not be more worthy of the Senate, and more useful to the country. Why should we not act upon this bill, article by article, judge fairly of each, retain what a majority approves, and reject the rest? If it be, as the gentleman from Maryland called it, "a bill of abominations," why not strike out as many of the abominations as we can? Extreme measures cannot tend to good. They must produce mischief. If a proper and moderate bill in regard to wool and woollens had passed last year, we should not now be in our present situation. If such a bill, extended perhaps to a few other articles, if necessity so required, had been prepared and recommended at this session, much both of excitement and of evil would have been avoided.

Nevertheless, Sir, it is for gentlemen to judge for themselves. If, when the wool manufacturers think they have a fair right to call on Congress to carry into effect what was intended for them by the law of 1824, and when there is manifested some disposition to comply with what they thus request, the benefit cannot be granted in any other manner than by inserting it in a sort of bill of pains and penalties, a "bill of abominations," it is not for me to attempt to reason down what has not been reasoned up; but I must content myself with admonishing gentlemen that their policy is destined, in all probability, to terminate in their own sore disappointment.

I advert once more, Sir, to the subject of wool and woollens, for the purpose of showing that, even in respect to that part of the bill, the interest mainly protected is not that of the manufacturers. On the contrary, it is that of the wool-growers. The wool-grower is vastly more benefited than the manufacturer The interest of the manufacturer is treated as secondary and

subordinate, throughout the bill. Just so much, and no more, is done for him, as is supposed necessary to enable him to purchase and manufacture the wool. The agricultural interest, the farming interest, the interest of the sheep-owner, is the great object which the bill is calculated to benefit, and which it will benefit, if the manufacturer can be kept alive. A comparison of existing duties with those proposed on the wool and on the cloth, will show how this part of the case stands.

At present, a duty of thirty per cent. *ad valorem* is laid on all wool costing ten cents per pound, or upwards; and a duty of fifteen per cent. on all wool under that price.

The present bill proposes a specific duty of four cents per pound, and also an *ad valorem* duty of fifty per cent. on all wool of every description.

The result of the combination of these two duties is, that wool fit for making good cloths, and costing from thirty to forty cents per pound in the foreign market, will pay a duty at least equal to sixty per cent. *ad valorem*. And wool costing less than ten cents in the foreign market will pay a duty, on the average, of a hundred per cent. *ad valorem*.

Now, Sir, these heavy duties are laid for the wool-grower. They are designed to give a spring to agriculture, by fostering one of its most important products.

But let us see what is done for the manufacturer, in order to enable him to manufacture the raw material, at prices so much enhanced.

As the bill passed the House of Representatives, the advance of duties on cloths is supposed to have been not more than three per cent. on the minimum points. Taking the amount of duty to be now thirty-seven per cent. *ad valorem* on cloths, this bill, as it came to us, proposed, if that supposition be true, only to carry it up to forty. Amendments here adopted have enhanced this duty, and are understood to have carried it up to a duty of forty-five or perhaps fifty per cent. *ad valorem*. Taking it at the highest, the duty on the cloth is raised *thirteen* per cent.; while that on wool is raised in some instances *thirty*, and in some instances *eighty-five* per cent.; that is, in one case from thirty to sixty, and in the other from fifteen to a hundred. Now the calculation is said to be true which supposes that a duty of thirty per cent. on the raw material enhances by fifteen per cent. the

cost of producing the cloth; the raw material being estimated generally to be equal to half the expense of the fabric. So that, while by this bill the manufacturer gains *thirteen* per cent. on the cloth, he would appear to lose *fifteen* per cent. on the same cloth by the increase in the price of the wool. And this would not only appear to be true, but would, I suppose. be actually true, were it not that the market may be open to the manufacturer, under this bill, for such cloths as may be furnished at prices intermediate between the graduated prices established by the bill.

For example, few or no foreign cloths, it is supposed, costing more than fifty cents a yard and less than a dollar, will be imported; therefore, American cloths worth more than fifty cents, and less than a dollar, will find a market. So of the intervals, or intermediate spaces, between the other statute prices. In this mode it may be hoped that the manufacturers may be sustained, and rendered able to carry on the work of converting the raw material, the agricultural product of the country, into an article necessary and fit for use. This statement, I think, sufficiently shows that no further benefit or advantage is intended for them, than such as shall barely enable them to accomplish that purpose; and that the object to which all others have been made to yield is the advantage of agriculture.

And yet, Sir, it is on occasion of a bill thus framed, that a loud and ceaseless cry has been raised against what is called the cupidity, the avarice, the monopolizing spirit, of New England manufacturers! This is one of the main "abominations of the bill"; to remedy which it is proposed to keep in the other abominations. Under the prospect of advantage held out by the law of 1824, men have ventured their fortunes, and their means of subsistence for themselves and families, in woollen manufactures. They have ventured investments in objects requiring a large outlay of capital; in mills, houses, water-works, and expensive machinery. Events have occurred, blighting their prospects and withering their hopes, — events which have deprived them of that degree of succor which the legislature manifestly intended. They come here asking for relief against an unforeseen occurrence, for remedy against that which Congress, if it had foreseen, would have prevented; and they are told, that what they ask is an abomination! They say that an interest

important to them, and important to the country, and principally called into existence by the government itself, has received a severe shock, under which it must sink, if the government will not, by reasonable means, endeavor to preserve what it has created. And they are met with a volley of hard names, a tirade of reproaches, and a loud cry against capitalists, speculators, and stock-jobbers! For one, I think them hardly treated; I think, and from the beginning have thought, their claim to be a fair one. With how much soever of undue haste, or even of credulity, they may be thought to have embarked in these pursuits, under the hopes held out by government, I do not feel it to be just that they should be abandoned to their fate on the first adverse change of circumstances; although I have always seen, and now see, how difficult, perhaps I should rather say how impossible, it is for Congress to act, when such changes occur, in a manner at once efficient and discreet; prompt, and yet moderate.

For these general reasons, and on these grounds, I am decidedly in favor of a measure which shall uphold and support, in behalf of the manufacturers, the law of 1824, and carry its benefits and advantages to the full extent intended. And though I am not altogether satisfied with the particular form of these enactments, I am willing to take them, in the belief that they will answer an essentially important and necessary purpose.

It is now my painful duty to take notice of another part of the bill, which I think in the highest degree objectionable and unreasonable; I mean the extraordinary augmentation of the duty on hemp. I cannot well conceive any thing more unwise or ill-judged than this appears to me to be. The duty is already thirty-five dollars per ton; and the bill proposes a progressive increase till it shall reach sixty dollars. This will be absolutely oppressive on the shipping interest, the great consumers of the article. When this duty shall have reached its maximum, it will create an annual charge of at least one hundred thousand dollars, falling not on the aggregate of the commercial interest, but on the ship-owner. It is a very unequal burden. The navigation of the country has already a hard struggle to sustain itself against foreign competition; and it is singular enough, that this interest, which is already so severely tried, which pays so much in duties on hemp, duck, and iron, and which it is now

proposed to put under new burdens, is the only interest which is subject to a direct tax by a law of Congress. The tonnage duty is such a tax. If this bill should pass in its present form, I shall think it my duty, at the earliest suitable opportunity, to bring forward a bill for the repeal of the tonnage duty. It amounts, I think, to a hundred and twenty thousand dollars a year; and its removal will be due in all justice to the ship-owner, if he is to be made subject to a new taxation on hemp and iron.

But, objectionable as this tax is, from its severe pressure on a particular interest, and that at present a depressed interest, there are still further grounds of dissatisfaction with it. It is not calculated to effect the object intended by it. If that object be the increase of the sale of the dew-rotted American hemp, the increased duty will have little tendency to produce that result; because such hemp is so much lower in price than imported hemp, that it must be already used for such purposes as it is fit for. It is said to be selling for one hundred and twenty dollars per ton; while the imported hemp commands two hundred and seventy dollars. The proposed duty, therefore, cannot materially assist the sale of American hemp of this quality and description.

But the main reason given for the increase is the encouragement of American water-rotted hemp. Doubtless, this is an important object; but I have seen nothing to satisfy me that it can be obtained by means like this. At present there is produced in the country no considerable quantity of water-rotted hemp. It is problematical, at best, whether it can be produced under any encouragement. The hemp may be grown, doubtless, in various parts of the United States, as well as in any country in the world; but the process of preparing it for use, by water-rotting, I believe to be more difficult and laborious than is generally thought among us. I incline to think, that, happily for us, labor is in too much demand, and commands too high prices, to allow this process to be carried on profitably. Other objections, also, beside the amount of labor required, may, perhaps, be found to exist, in climate, and in the effects liable to be produced on health in warm countries by the nature of the process. But whether there be foundation for these suggestions or not, the fact still is, that we do not produce the article. It cannot, at present, be had at any price. To augment the duty, therefore, on foreign hemp, can only have the effect of compelling

the consumer to pay so much more money into the treasury, The proposed increase, then, is doubly objectionable; first, because it creates a charge not to be borne equally by the whole country, but a new and heavy charge, to be borne exclusively by one particular interest; and, second, because that, of the money raised by this charge, little or none goes to accomplish the professed object, by aiding the hemp-grower; but the whole, or nearly the whole, falls into the treasury. Thus the effect will be in no way proportioned to the cause, and the advantage obtained by some not at all equal to the hardship imposed on others. While one interest will suffer much, the other interest will gain little or nothing.

I am quite willing to make a thorough and fair experiment, on the subject of water-rotted hemp; but I wish at the same time to do this in a manner that shall not oppress individuals, or particular classes. I intend, therefore, to move an amendment, which will consist in striking out so much of the bill as raises the duty on hemp higher than it is at present, and in inserting a clause, making it the duty of the navy department to purchase, for the public service, American water-rotted hemp, whenever it can be had of a suitable quality; provided it can be purchased at a rate not exceeding by more than twenty per cent. the current price of imported hemp of the same quality. If this amendment should be adopted, the ship-owner would have no reason to complain, as the price of the article would not be enhanced to him; and, at the same time, the hemp-grower who shall try the experiment will be made sure of a certain market, and a high price. The existing duty of thirty-five dollars per ton will still remain to be borne by the ship-owner. The twenty per cent. advance on the price of imported hemp will be equal to fifty dollars per ton; the aggregate will be eighty-five dollars; and this, it must be admitted, is a liberal and effective provision, and will secure every thing which can be reasonably desired by the hemp-grower in the most ample manner.

But if the bill should become a law, and go into operation in its present shape, this duty on hemp is likely to defeat its own object in another way. Very intelligent persons entertain the opinion, that the consequence of this high duty will be such, that American vessels engaged in foreign commerce will, to a

great extent, supply themselves with cordage abroad. This, of course, will diminish the consumption at home, and thus injure the hemp-grower, and at the same time the manufacturer of cordage. Again, there may be reason to fear that, as the duty is not raised on cordage manufactured abroad, such cordage may be imported in greater or less degree in the place of the unmanufactured article. Whatever view we take, therefore, of this hemp duty, it appears to me altogether objectionable.

Much has been said of the protection which the navigation of the country has received from the discriminating duties on tonnage, and the exclusive enjoyment of the coasting trade. In my opinion, neither of these measures has materially sustained the shipping interest of the United States. I do not concur in the sentiments on that point quoted from Dr. Seybert's statistical work. Dr. Seybert was an intelligent and worthy man, and compiled a valuable book; but he was engaged in public life at a time when it was more fashionable than it has since become, to ascribe efficacy to discriminating duties. The shipping interest in this country has made its way by its own enterprise. By its own vigorous exertion it spread itself over the seas, and by the same exertion it still holds its place there. It seems idle to talk of the benefit and advantage of discriminating duties, when they operate against us on one side of the ocean quite as much as they operate for us on the other. To suppose that two nations, having intercourse with each other, can secure each to itself a decided advantage in that intercourse, is little less than absurdity; and this is the absurdity of discriminating duties. Still less reason is there for the idea, that our own ship-owners hold the exclusive enjoyment of the coasting trade only by virtue of the law which prevents foreigners from sharing it. Look at the rate of freights. Look at the manner in which this coasting trade is conducted by our own vessels, and the competition which subsists between them. In a majority of instances, probably, these vessels are owned, in whole or in part, by those who navigate them. These owners are at home at one end of the voyage; and repairs and supplies are thus obtained in the cheapest and most economical manner. No foreign vessels would be able to partake in this trade, even by the aid of preferences and bounties.

The shipping interest of this country requires only an open

field, and a fair chance. Every thing else it will do for itself. But it has not a fair chance while it is so severely taxed in whatever enters into the necessary expense of building and equipment. In this respect, its rivals have advantages which may in the end prove to be decisive against us. I entreat the Senate to examine and weigh this subject, and not go on, blindly, to unknown consequences. The English ship-owner is carefully regarded by his government, and aided and succored, whenever and wherever necessary, by a sharp-sighted policy. Both he and the American ship-owner obtain their hemp from Russia. But observe the difference. The duty on hemp in England is but twenty-one dollars; here, it is proposed to make it sixty, notwithstanding its cost here is necessarily enhanced by an additional freight, proportioned to a voyage longer than that which brings it to the English consumer, by the whole breadth of the Atlantic.

Sir, I wish to invoke the Senate's attention, earnestly, to the subject; I would awaken the regard of the whole government, more and more, not only on this but on all occasions, to this great national interest; an interest which lies at the very foundation both of our commercial prosperity and our naval achievement.

First Speech on Foot's Resolution*

On the 29th of December, 1829, a resolution was moved by Mr. Foot, one of the Senators from Connecticut, which, after the addition of the last clause by amendment, stood as follows: —

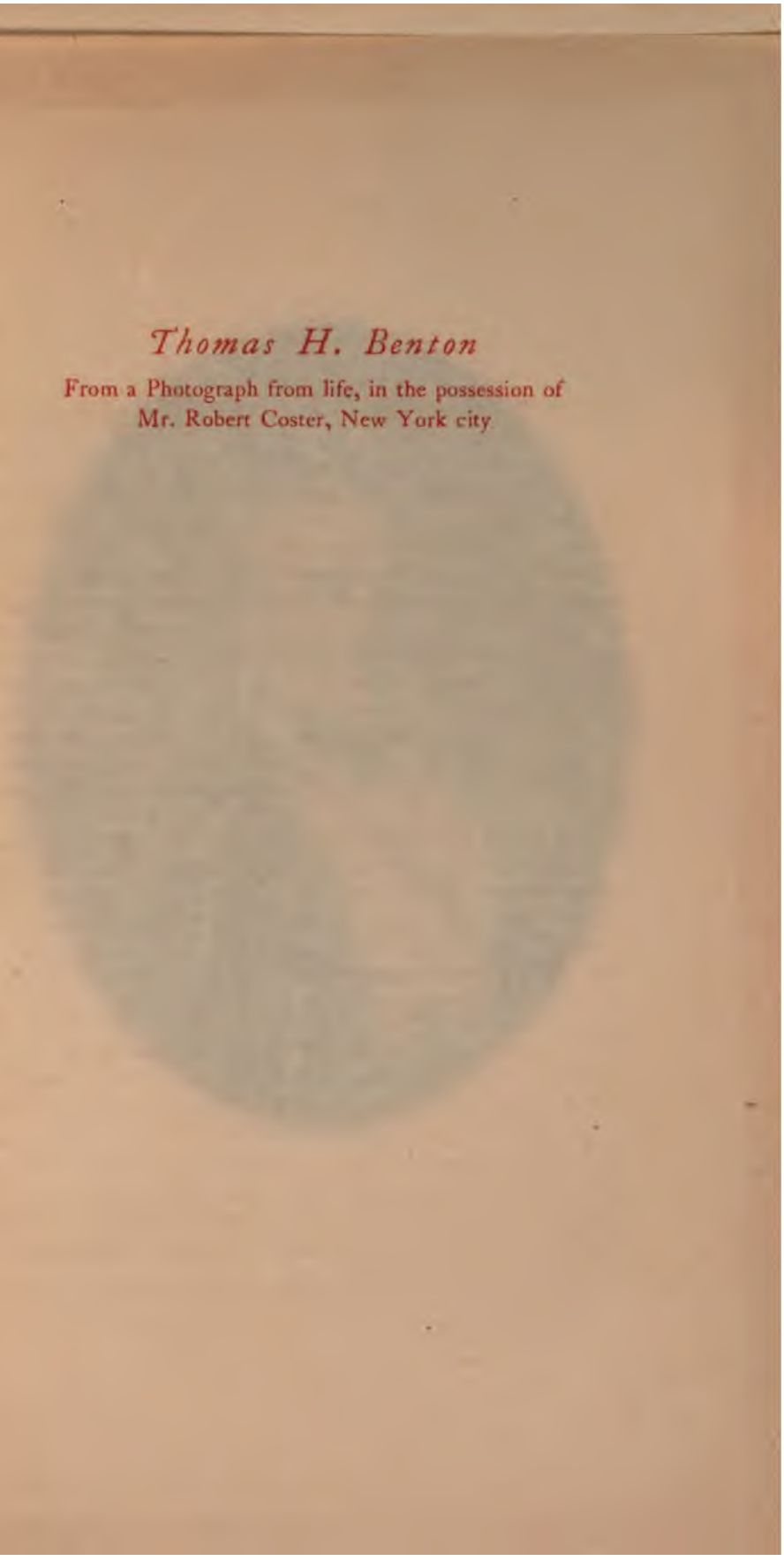
"*Resolved*, That the Committee on Public Lands be instructed to inquire and report the quantity of public lands remaining unsold within each State and Territory. And whether it be expedient to limit for a certain period the sales of the public lands to such lands only as have heretofore been offered for sale and are now subject to entry at the minimum price. And, also, whether the office of Surveyor-General, and some of the land offices, may not be abolished without detriment to the public interest; or whether it be expedient to adopt measures to hasten the sales and extend more rapidly the surveys of the public lands."

On the 18th of January, Mr. Benton of Missouri addressed the Senate on the subject of this resolution. On the 19th, Mr. Hayne of South Carolina spoke at considerable length. After he had concluded, Mr. Webster rose to reply, but gave way on motion of Mr. Benton for an adjournment.

On the 20th, Mr. Webster spoke as follows: —

Nothing has been farther from my intention than to take any part in the discussion of this resolution. It proposes only an inquiry on a subject of much importance, and one in regard to which it might strike the mind of the mover and of other gentlemen that inquiry and investigation would be useful. Although I am one of those who do not perceive any particular utility in instituting the inquiry, I have, nevertheless, not seen that harm would be likely to result from adopting the resolution. Indeed, it gives no new powers, and hardly imposes any new duty on

* Delivered in the Senate of the United States, on the 20th of January, 1830.



Thomas H. Benton

From a Photograph from life, in the possession of
Mr. Robert Coster, New York city

the committee. All that the resolution proposes should be done, the committee is quite competent, without the resolution, to do by virtue of its ordinary powers. But, Sir, although I have felt quite indifferent about the passing of the resolution, yet opinions were expressed yesterday on the general subject of the public lands, and on some other subjects, by the gentleman from South Carolina, so widely different from my own, that I am not willing to let the occasion pass without some reply. If I deemed the resolution as originally proposed hardly necessary, still less do I think it either necessary or expedient to adopt it, since a second branch has been added to it to-day. By this second branch, the committee is to be instructed to inquire whether it be expedient to adopt measures to hasten the sales, and extend more rapidly the surveys of the public lands.

Now it appears, Mr. President, that, in forty years, we have sold no more than about twenty millions of acres of public lands. The annual sales do not now exceed, and never have exceeded, one million of acres. A million a year is, according to our experience, as much as the increase of population can bring into settlement. And it appears, also, that we have, at this moment, surveyed and in the market, ready for sale, two hundred and ten millions of acres, or thereabouts. All this vast mass, at this moment, lies on our hands for mere want of purchasers. Can any man, looking to the real interests of the country and the people, seriously think of inquiring whether we ought not to hasten the public surveys still faster, and to bring, still more and more rapidly, other vast quantities into the market? The truth is, that, rapidly as population has increased, the surveys have, nevertheless, outrun our wants. There are more lands than purchasers. They are now sold at low prices, and taken up as fast as the increase of people furnishes hands to take them up. It is obvious, that no artificial regulation, no forcing of sales, no giving away of the lands even, can produce any great and sudden augmentation of population. The ratio of increase, though great, has its bounds. Hands for labor are multiplied only at a certain rate. The lands cannot be settled but by settlers, nor faster than settlers can be found. A system, if now adopted, of forcing sales, at whatever prices, may have the effect of throwing large quantities into the hands of individuals, who would in this way, in time, become themselves com-

petitors with the government in the sale of land. My own opinion has uniformly been, that the public lands should be offered freely, and at low prices; so as to encourage settlement and cultivation as rapidly as the increasing population of the country is competent to extend settlement and cultivation. Every actual settler should be able to buy good land, at a cheap rate; but, on the other hand, speculation by individuals on a large scale should not be encouraged, nor should the value of all lands, sold and unsold, be reduced to nothing, by throwing new and vast quantities into the market at prices merely nominal.

I now proceed, Sir, to some of the opinions expressed by the gentleman from South Carolina. Two or three topics were touched by him, in regard to which he expressed sentiments in which I do not at all concur.

In the first place, Sir, the honorable gentleman spoke of the whole course and policy of the government towards those who have purchased and settled the public lands, and seemed to think this policy wrong. He held it to have been, from the first, hard and rigorous; he was of opinion, that the United States had acted towards those who had subdued the Western wilderness in the spirit of a step-mother; that the public domain had been improperly regarded as a source of revenue; and that we had rigidly compelled payment for that which ought to have been given away. He said we ought to have imitated the example of other governments, which had acted on a much more liberal system than ours, in planting colonies. He dwelt, particularly, upon the settlement of America by colonies from Europe; and reminded us, that their governments had not exacted from those colonies payment for the soil. In reference to them, he said, it had been thought that the conquest of the wilderness was itself an equivalent for the soil, and he lamented that we had not followed that example, and pursued the same liberal course towards our own emigrants to the West.

Now, Sir, I deny, altogether, that there has been any thing harsh or severe in the policy of the government towards the new States of the West. On the contrary, I maintain that it has uniformly pursued towards those States a liberal and enlightened system, such as its own duty allowed and required, and such as their interest and welfare demanded. The government

has been no step-mother to the new States. She has not been careless of their interests, nor deaf to their requests; but from the first moment when the territories which now form those States were ceded to the Union, down to the time in which I am now speaking, it has been the invariable object of the government, to dispose of the soil according to the true spirit of the obligation under which it received it; to hasten its settlement and cultivation, as far and as fast as practicable; and to rear the new communities into new and independent States, at the earliest moment of their being able, by their numbers, to form a regular government.

I do not admit, Sir, that the analogy to which the gentleman refers us is just, or that the cases are at all similar. There is no resemblance between the cases, upon which a statesman can found an argument. The original North American colonists either fled from Europe, like our New England ancestors, to avoid persecution, or came hither at their own charges, and often at the ruin of their fortunes, as private adventurers. Generally speaking, they derived neither succor nor protection from their governments at home. Wide, indeed, is the difference between those cases and ours. From the very origin of the government, these Western lands, and the just protection of those who had settled or should settle on them, have been the leading objects in our policy, and have led to expenditures, both of blood and treasure, not inconsiderable; not, indeed, exceeding the importance of the object, and not yielded grudgingly; but yet entitled to be regarded as great, though necessary sacrifices, made for high, proper ends. The Indian title has been extinguished at the expense of many millions. Is that nothing? There is still a much more material consideration. These colonists, if we are to call them so, in passing the Alleghanies, did not pass beyond the care and protection of their own government. Whereever they went, the public arm was still stretched over them. A parental government at home was still ever mindful of their condition and their wants, and nothing was spared which a just sense of their necessities required. Is it forgotten that it was one of the most arduous duties of the government, in its earliest years, to defend the frontiers against the Northwestern Indians? Are the sufferings and misfortunes under Harmar and St. Clair not worthy to be remembered? Do the occurrences

connected with these military efforts show an unfeeling neglect of Western interests? And here, Sir, what becomes of the gentleman's analogy? What English armies accompanied our ancestors to clear the forests of a barbarous foe? What treasures of the exchequer were expended in buying up the original title to the soil? What governmental arm held its ægis over our fathers' heads, as they pioneered their way in the wilderness? Sir, it was not till General Wayne's victory, in 1794, that it could be said we had conquered the savages. It was not till that period that the government could have considered itself as having established an entire ability to protect those who should undertake the conquest of the wilderness.

And here, Sir, at the epoch of 1794, let us pause and survey the scene, as it actually existed thirty-five years ago. Let us look back and behold it. Over all that is now Ohio there then stretched one vast wilderness, unbroken except by two small spots of civilized culture, the one at Marietta and the other at Cincinnati. At these little openings, hardly each a pin's point upon the map, the arm of the frontier-man had levelled the forest and let in the sun. These little patches of earth, themselves almost overshadowed by the overhanging boughs of that wilderness which had stood and perpetuated itself, from century to century, ever since the creation, were all that had then been rendered verdant by the hand of man. In an extent of hundreds and thousands of square miles, no other surface of smiling green attested the presence of civilization. The hunter's path crossed mighty rivers, flowing in solitary grandeur, whose sources lay in remote and unknown regions of the wilderness. It struck upon the north on a vast inland sea, over which the wintry tempests raged as on the ocean; all around was bare creation. It was fresh, untouched, unbounded, magnificent wilderness.

And, Sir, what is it now? Is it imagination only, or can it possibly be fact, that presents such a change as surprises and astonishes us when we turn our eyes to what Ohio now is? Is it reality, or a dream, that, in so short a period even as thirty-five years, there has sprung up, on the same surface, an independent State with a million of people? A million of inhabitants! an amount of population greater than that of all the cantons of Switzerland; equal to one third of all the people of the United States when they undertook to accomplish their independence.

This new member of the republic has already left far behind her a majority of the old States. She is now by the side of Virginia and Pennsylvania; and in point of numbers will shortly admit no equal but New York herself. If, Sir, we may judge of measures by their results, what lessons do these facts read us upon the policy of the government? What inferences do they authorize upon the general question of kindness or unkindness? What convictions do they enforce as to the wisdom and ability, on the one hand, or the folly and incapacity, on the other, of our general administration of Western affairs? Sir, does it not require some portion of self-respect in us to imagine, that, if our light had shone on the path of government, if our wisdom could have been consulted in its measures, a more rapid advance to strength and prosperity would have been experienced? For my own part, while I am struck with wonder at the success, I also look with admiration at the wisdom and foresight which originally arranged and prescribed the system for the settlement of the public domain. Its operation has been, without a moment's interruption, to push the settlement of the Western country to the extent of our utmost means.

But, Sir, to return to the remarks of the honorable member from South Carolina. He says that Congress has sold these lands and put the money into the treasury, while other governments, acting in a more liberal spirit, gave away their lands; and that we ought also to have given ours away. I shall not stop to state an account between our revenues derived from land, and our expenditures in Indian treaties and Indian wars. But I must refer the honorable gentleman to the origin of our own title to the soil of these territories, and remind him that we received them on conditions and under trusts which would have been violated by giving the soil away. For compliance with those conditions, and the just execution of those trusts, the public faith was solemnly pledged. The public lands of the United States have been derived from four principal sources. First, cessions made to the United States by individual States, on the recommendation or request of the old Congress; secondly, the compact with Georgia, in 1802; thirdly, the purchase of Louisiana, in 1803; fourthly, the purchase of Florida, in 1819. Of the first class, the most important was the cession by Virginia of all her right and title, as well of soil as jurisdiction, to all

the territory within the limits of her charter lying to the northwest of the Ohio River. It may not be ill-timed to recur to the causes and occasions of this and the other similar grants.

When the war of the Revolution broke out, a great difference existed in different States in the proportion between people and territory. The Northern and Eastern States, with very small surfaces, contained comparatively a thick population, and there was generally within their limits no great quantity of waste lands belonging to the government, or the crown of England. On the contrary, there were in the Southern States, in Virginia and in Georgia, for example, extensive public domains, wholly unsettled, and belonging to the crown. As these possessions would necessarily fall from the crown in the event of a prosperous issue of the war, it was insisted that they ought to devolve on the United States, for the good of the whole. The war, it was argued, was undertaken and carried on at the common expense of all the colonies; its benefits, if successful, ought also to be common; and the property of the common enemy, when vanquished, ought to be regarded as the general acquisition of all. While yet the war was raging, it was contended that Congress ought to have the power to dispose of vacant and unpatented lands, commonly called crown lands, for defraying the expenses of the war, and for other public and general purposes. "Reason and justice," said the Assembly of New Jersey, in 1778, "must decide that the property which existed in the crown of Great Britain previous to the present Revolution ought now to belong to the Congress, in trust for the use and benefit of the United States. They have fought and bled for it, in proportion to their respective abilities, and therefore the reward ought not to be predilectionally distributed. Shall such States as are shut out by situation from availing themselves of the least advantage from this quarter be left to sink under an enormous debt, whilst others are enabled in a short period to replace all their expenditures from the hard earnings of the whole confederacy?"

Moved by considerations and appeals of this kind, Congress took up the subject, and in September, 1780, recommended to the several States in the Union having claims to Western territory, to make liberal cessions of a portion thereof to the United States; and on the 10th of October, 1780, Congress resolved,

that any lands so ceded, in pursuance of their preceding recommendation, should be disposed of for the common benefit of the United States; should be settled and formed into distinct republican States, to become members of the Federal Union, with the same rights of sovereignty, freedom, and independence as the other States; and that the lands should be granted, or settled, at such times, and under such regulations, as should be agreed on by Congress. Again, in September, 1783, Congress passed another resolution, setting forth the conditions on which cessions from States should be received; and in October following, Virginia made her cession, reciting the resolution, or act, of September preceding, and then transferring to the United States her title to her Northwestern territory, upon the express condition that the lands so ceded should be considered as a common fund for the use and benefit of such of the United States as had become or should become members of the confederation, Virginia inclusive, and should be faithfully and *bonâ fide* disposed of for that purpose, and for no other use or purpose whatever. The grants from other States were on similar conditions. Massachusetts and Connecticut both had claims to Western lands, and both relinquished them to the United States in the same manner. These grants were all made on three substantial conditions or trusts. First, that the ceded territories should be formed into States, and admitted in due time into the Union, with all the rights belonging to other States; secondly, that the lands should form a common fund, to be disposed of for the general benefit of all the States; and thirdly, that they should be sold and settled, at such time and in such manner as Congress should direct.

Now, Sir, it is plain that Congress never has been, and is not now, at liberty to disregard these solemn conditions. For the fulfilment of all these trusts, the public faith was, and is, fully pledged. How, then, would it have been possible for Congress, if it had been so disposed, to give away these public lands? How could it have followed the example of other governments, if there had been such, and considered the conquest of the wilderness an equivalent compensation for the soil? The States had looked to this territory, perhaps too sanguinely, as a fund out of which means were to come to defray the expenses of the war. It had been received as a fund, as a fund Congress

had bound itself to apply it. To have given it away, would have defeated all the objects which Congress and particular States had had in view in asking and obtaining the cession, and would have plainly violated the conditions which the ceding States attached to their own grants.

The gentleman admits, that the lands cannot be given away until the national debt is paid; because to a part of that debt they stand pledged. But this is not the original pledge. There is, so to speak, an earlier mortgage. Before the debt was funded, at the moment of the cession of the lands, and by the very terms of that cession, every State in the Union obtained an interest in them, as in a common fund. Congress has uniformly adhered to this condition. It has proceeded to sell the lands, and to realize as much from them as was compatible with the other trusts created by the same deeds of cession. One of these deeds of trust, as I have already said, was, that the lands should be sold and settled, at such time and in such manner as Congress shall direct. The government has always felt itself bound, in this respect, to exercise its own best judgment, and not to transfer the discretion to others. It has not felt itself at liberty to dispose of the soil, therefore, in large masses to individuals, thus leaving to them the time and manner of settlement. It had stipulated to use its own judgment. If, for instance, in order to rid itself of the trouble of forming a system for the sale of those lands, and going into detail, it had sold the whole of what is now Ohio, in one mass, to individuals or companies, it would clearly have departed from its just obligations. And who can now tell, or conjecture, how great would have been the evil of such a course? Who can say what mischiefs would have ensued, if Congress had thrown these territories into the hands of private speculation? Or who, on the other hand, can now foresee what the event would be, should the government depart from the same wise course hereafter, and, not content with such gradual absorption of the public lands as the natural growth of our population may accomplish, should force great portions of them, at nominal or very low prices, into private hands, to be sold and settled as and when such holders might think would be most for their own interests?

Hitherto, Sir, I maintain, Congress has acted wisely, and done its duty on this subject. I hope it will continue to do it. De-

parting from the original idea, so soon as it was found practicable and convenient, of selling by townships, Congress has disposed of the soil in smaller and still smaller portions, till at length it sells in parcels of no more than eighty acres; thus putting it into the power of every man in the country, however poor, but who has health and strength, to become a freeholder if he desires, not of barren acres, but of rich and fertile soil. The government has performed all the conditions of the grant. While it has regarded the public lands as a common fund, and has sought to make what reasonably could be made of them, as a source of revenue, it has also applied its best wisdom to sell and settle them, as fast and as happily as possible; and whensoever numbers would warrant it, each territory has been successively admitted into the Union, with all the rights of an independent State.

Is there then, Sir, I ask, any ground for a well-founded charge of hard dealing? for any just accusation of negligence, indifference, or parsimony, which is capable of being sustained against the government of the country in its conduct towards the new States? I think there is not.

But there was another observation of the honorable member, which, I confess, did not a little surprise me. As a reason for wishing to get rid of the public lands as soon as we could, and as we might, the honorable gentleman said he wanted no permanent sources of income. He wished to see the time when the government should not possess a shilling of permanent revenue. If he could speak a magical word, and by that word convert the whole Capitol into gold, the word should not be spoken. The administration of a fixed revenue, he said, only consolidates the government and corrupts the people! Sir, I confess I heard these sentiments uttered on this floor not without deep regret and pain.

I am aware that these and similar opinions are espoused by certain persons out of the Capitol and out of this government; but I did not expect so soon to find them here. Consolidation! — that perpetual cry both of terror and delusion, — Consolidation! Sir, when gentlemen speak of the effects of a common fund, belonging to all the States, as having a tendency to consolidation, what do they mean? Do they mean, or can they mean, any thing more than that the union of the States will be

strengthened by whatever continues or furnishes inducements to the people of the States to hold together? If they mean merely this, then, no doubt, the public lands, as well as every thing else in which we have a common interest, tend to consolidation; and to this species of consolidation every true American ought to be attached; it is neither more nor less than strengthening the Union itself. This is the sense in which the framers of the Constitution use the word *consolidation*, and in this sense I adopt and cherish it. They tell us, in the letter submitting the Constitution to the consideration of the country, that, "In all our deliberations on this subject, we kept steadily in our view that which appears to us the greatest interest of every true American, the consolidation of our Union, in which is involved our prosperity, felicity, safety, perhaps our national existence. This important consideration, seriously and deeply impressed on our minds, led each State in the Convention to be less rigid on points of inferior magnitude than might have been otherwise expected."

This, Sir, is General Washington's consolidation. This is the true, constitutional consolidation. I wish to see no new powers drawn to the general government; but I confess I rejoice in whatever tends to strengthen the bond that unites us, and encourages the hope that our Union may be perpetual. And therefore I cannot but feel regret at the expression of such opinions as the gentleman has avowed, because I think their obvious tendency is to weaken the bond of our connection. I know that there are some persons in the part of the country from which the honorable member comes, who habitually speak of the Union in terms of indifference, or even of disparagement. The honorable member himself is not, I trust, and can never be, one of these. They significantly declare, that it is time to calculate the value of the Union; and their aim seems to be to enumerate, and to magnify, all the evils, real and imaginary, which the government under the Union produces.

The tendency of all these ideas and sentiments is obviously to bring the Union into discussion, as a mere question of present and temporary expediency; nothing more than a mere matter of profit and loss. The Union is to be preserved, while it suits local and temporary purposes to preserve it; and to be sundered whenever it shall be found to thwart such purposes.

Union, of itself, is considered by the disciples of this school as hardly a good. It is only regarded as a possible means of good; or, on the other hand, as a possible means of evil. They cherish no deep and fixed regard for it, flowing from a thorough conviction of its absolute and vital necessity to our welfare. Sir, I deprecate and deplore this tone of thinking and acting. I deem far otherwise of the union of the States; and so did the framers of the Constitution themselves. What they said, I believe; fully and sincerely believe, that the union of the States is essential to the prosperity and safety of the States. I am a unionist, and, in this sense, a national republican. I would strengthen the ties that hold us together. Far, indeed, in my wishes, very far distant be the day, when our associated and fraternal stripes shall be severed asunder, and when that happy constellation under which we have risen to so much renown shall be broken up, and sink, star after star, into obscurity and night!

Among other things, the honorable member spoke of the public debt. To that he holds the public lands pledged, and has expressed his usual earnestness for its total discharge. Sir, I have always voted for every measure for reducing the debt, since I have been in Congress. I wished it paid because it is a debt, and, so far, is a charge upon the industry of the country and the finances of the government. But, Sir, I have observed, that, whenever the subject of the public debt is introduced into the Senate, a morbid sort of fervor is manifested in regard to it, which I have been sometimes at a loss to understand. The debt is not now large, and is in a course of most rapid reduction. A few years will see it extinguished. I am not entirely able to persuade myself that it is not certain supposed incidental tendencies and effects of this debt, rather than its pressure and charge as a debt, that cause so much anxiety to get rid of it. Possibly it may be regarded as in some degree a tie, holding the different parts of the country together, by considerations of mutual interest. If this be one of its effects, the effect itself is, in my opinion, not to be lamented. Let me not be misunderstood. I would not continue the debt for the sake of any collateral or consequential advantage, such as I have mentioned. I only mean to say, that that consequence itself is not one that I regret; at the same time, that, if there are others who would or who do regret it, I differ from them.

As I have already remarked, Sir, it was one among the reasons assigned by the honorable member for his wish to be rid of the public lands altogether, that the public disposition of them, and the revenues derived from them, tend to corrupt the people. This, Sir, I confess, passes my comprehension. These lands are sold at public auction, or taken up at fixed prices, to form farms and freeholds. Whom does this corrupt? According to the system of sales, a fixed proportion is everywhere reserved, as a fund for education. Does education corrupt? Is the schoolmaster a corrupter of youth? the spelling-book, does it break down the morals of the rising generation? and the Holy Scriptures, are they fountains of corruption? Or if, in the exercise of a provident liberality, in regard to its own property as a great landed proprietor, and to high purposes of utility towards others, the government gives portions of these lands to the making of a canal, or the opening of a road, in the country where the lands themselves are situated, what alarming and overwhelming corruption follows from all this? Can there be nothing pure in government except the exercise of mere control? Can nothing be done without corruption, but the impositions of penalty and restraint? Whatever is positively beneficent, whatever is actively good, whatever spreads abroad benefits and blessings which all can see and all can feel, whatever opens channels of intercourse, augments population, enhances the value of property, and diffuses knowledge, — must all this be rejected and reprobated as a dangerous and obnoxious policy, hurrying us to the double ruin of a government, turned into despotism by the mere exercise of acts of beneficence, and of a people, corrupted, beyond hope of rescue, by the improvement of their condition?

The gentleman proceeded, Sir, to draw a frightful picture of the future. He spoke of the centuries that must elapse before all the lands could be sold, and the great hardships that the States must suffer while the United States reserve to themselves, within their limits, such large portions of soil, not liable to taxation. Sir, this is all, or mostly, imagination. If these lands were leasehold property, if they were held by the United States on rent, there would be much in the idea. But they are wild lands, held only till they can be sold; reserved no longer than till somebody will take them up, at low prices. As to their not being taxed, I would ask whether the States themselves, if they owned

them, would tax them before sale? Sir, if in any case any State can show that the policy of the United States retards her settlement, or prevents her from cultivating the lands within her limits, she shall have my vote to alter that policy. But I look upon the public lands as a public fund, and that we are no more authorized to give them away gratuitously than to give away gratuitously the money in the treasury. I am quite aware, that the sums drawn annually from the Western States make a heavy drain upon them; but that is unavoidable. For that very reason, among others, I have always been inclined to pursue towards them a kind and most liberal policy; but I am not at liberty to forget, at the same time, what is due to other States, and to the solemn engagements under which the government rests.

I come now, Mr. President, to that part of the gentleman's speech which has been the main occasion of my addressing the Senate. The East! the obnoxious, the rebuked, the always reproached East! — we have come in, Sir, on this debate, for even more than a common share of accusation and attack. If the honorable member from South Carolina was not our original accuser, he has yet recited the indictment against us with the air and tone of a public prosecutor. He has summoned us to plead on our arraignment; and he tells us we are charged with the crime of a narrow and selfish policy; of endeavoring to restrain emigration to the West, and, having that object in view, of maintaining a steady opposition to Western measures and Western interests. And the cause of all this narrow and selfish policy, the gentleman finds in the tariff; I think he called it the accursed policy of the tariff. This policy, the gentleman tells us, requires multitudes of dependent laborers, a population of paupers, and that it is to secure these at home that the East opposes whatever may induce to Western emigration. Sir, I rise to defend the East. I rise to repel, both the charge itself, and the cause assigned for it. I deny that the East has, at any time, shown an illiberal policy towards the West. I pronounce the whole accusation to be without the least foundation in any facts, existing either now or at any previous time. I deny it in the general, and I deny each and all its particulars. I deny the sum total, and I deny the detail. I deny that the East has ever manifested hostility to the West, and I deny that she has adopt-

ed any policy that would naturally have led her in such a course.

But the tariff! the tariff!! Sir, I beg to say in regard to the East, that the original policy of the tariff is not hers, whether it be wise or unwise. New England is not its author. If gentlemen will refer to the tariff of 1816, they will find that this was not carried by New England votes. It was truly more a Southern than an Eastern measure. And what votes carried the tariff of 1824? Certainly not those of New England. It is known to have been made matter of reproach, especially against Massachusetts, that she would not aid the tariff of 1824; and a selfish motive was imputed to her for that, also. In point of fact, it is true that she did, indeed, oppose the tariff of 1824. There were more votes in favor of that law in the House of Representatives, not only in each of a majority of the Western States, but even in Virginia herself, than in Massachusetts. It was literally forced upon New England; and this shows how groundless, how void of all probability, must be any charge of hostility to the growth of the Western States, as naturally flowing from a cherished policy of her own.

But leaving all conjectures about causes and motives, I go at once to the fact, and I meet it with one broad, comprehensive, and emphatic negative. I deny that, in any part of her history, at any period of the government, or in relation to any leading subject, New England has manifested such hostility as is charged upon her. On the contrary, I maintain that, from the day of the cession of the territories by the States to Congress, no portion of the country has acted either with more liberality or more intelligence, on the subject of the public lands in the new States, than New England.

This statement, though strong, is no stronger than the strictest truths will warrant. Let us look at the historical facts. So soon as the cessions were obtained, it became necessary to make provision for the government and disposition of the territory. The country was to be governed. This, for the present, it was obvious, must be by some territorial system of administration. But the soil, also, was to be granted and settled. Those immense regions, large enough almost for an empire, were to be appropriated to private ownership. How was this best to be done? What system for sale and disposition should be adopt-

ed? Two modes for conducting the sales presented themselves; the one a Southern, and the other a Northern mode. It would be tedious, Sir, here, to run out these different systems into all their distinctions, and to contrast the opposite results. That which was adopted was the Northern system, and is that which we now see in successful operation in all the new States. That which was rejected was the system of warrants, surveys, entry, and location; such as prevails south of the Ohio. It is not necessary to extend these remarks into invidious comparisons. This last system is that which, as has been expressively said, has *shingled* over the country to which it was applied with so many conflicting titles and claims. Every body acquainted with the subject knows how easily it leads to speculation and litigation, — two great calamities in a new country. From the system actually established, these evils are banished. Now, Sir, in effecting this great measure, the first important measure on the whole subject, New England acted with vigor and effect, and the latest posterity of those who settled the region northwest of the Ohio will have reason to remember, with gratitude, her patriotism and her wisdom. The system adopted was her own system. She knew, for she had tried and proved its value. It was the old-fashioned way of surveying lands before the issuing of any title papers, and then of inserting accurate and precise descriptions in the patents or grants, and proceeding with regular reference to metes and bounds. This gives to original titles, derived from government, a certain and fixed character; it cuts up litigation by the roots, and the settler commences his labor with the assurance that he has a clear title. It is easy to perceive, but not easy to measure, the importance of this in a new country. New England gave this system to the West; and while it remains, there will be spread over all the West one monument of her intelligence in matters of government, and her practical good sense.

At the foundation of the constitution of these new Northwestern States lies the celebrated Ordinance of 1787. We are accustomed, Sir, to praise the lawgivers of antiquity; we help to perpetuate the fame of Solon and Lycurgus; but I doubt whether one single law of any lawgiver, ancient or modern, has produced effects of more distinct, marked, and lasting character than the Ordinance of 1787. That instrument was drawn by Nathan

Dane, then and now a citizen of Massachusetts. It was adopted, as I think I have understood, without the slightest alteration; and certainly it has happened to few men to be the authors of a political measure of more large and enduring consequence. It fixed for ever the character of the population in the vast regions northwest of the Ohio, by excluding from them involuntary servitude. It impressed on the soil itself, while it was yet a wilderness, an incapacity to sustain any other than freemen. It laid the interdict against personal servitude, in original compact, not only deeper than all local law, but deeper, also, than all local constitutions. Under the circumstances then existing, I look upon this original and seasonable provision as a real good attained. We see its consequences at this moment, and we shall never cease to see them, perhaps, while the Ohio shall flow. It was a great and salutary measure of prevention. Sir, I should fear the rebuke of no intelligent gentleman of Kentucky, were I to ask whether, if such an ordinance could have been applied to his own State, while it yet was a wilderness, and before Boone had passed the gap of the Alleghanies, he does not suppose it would have contributed to the ultimate greatness of that commonwealth? It is, at any rate, not to be doubted, that, where it did apply, it has produced an effect not easily to be described or measured, in the growth of the States, and the extent and increase of their population. Now, Sir, as I have stated, this great measure was brought forward in 1787, by the North. It was sustained, indeed, by the votes of the South, but it must have failed without the cordial support of the New England States. If New England had been governed by the narrow and selfish views now ascribed to her, this very measure was, of all others, the best calculated to thwart her purposes. It was, of all things, the very means of rendering certain a vast emigration from her own population to the West. She looked to that consequence only to disregard it. She deemed the regulation a most useful one to the States that would spring up on the territory, and advantageous to the country at large. She adhered to the principle of it perseveringly, year after year, until it was finally accomplished.

Leaving, then, Mr. President, these two great and leading measures, and coming down to our own times, what is there in the history of recent measures of government that exposes New

England to this accusation of hostility to Western interests? I assert, boldly, that, in all measures conducive to the welfare of the West, since my acquaintance here, no part of the country has manifested a more liberal policy. I beg to say, Sir, that I do not state this with a view of claiming for her any special regard on that account. Not at all. She does not place her support of measures on the ground of favor conferred. Far otherwise. What she has done has been consonant to her view of the general good, and therefore she has done it. She has sought to make no gain of it; on the contrary, individuals may have felt, undoubtedly, some natural regret at finding the relative importance of their own States diminished by the growth of the West. But New England has regarded that as the natural course of things, and has never complained of it. Let me see, Sir, any one measure favorable to the West, which has been opposed by New England, since the government bestowed its attention on these Western improvements. Select what you will, if it be a measure of acknowledged utility, I answer for it, it will be found that not only were New England votes for it, but that New England votes carried it. Will you take the Cumberland Road? who has made that? Will you take the Portland Canal? whose support carried that bill? Sir, at what period beyond the Greek kalends could these measures, or measures like these, have been accomplished, had they depended on the votes of Southern gentlemen? Why, Sir, we know that we must have waited till the constitutional notions of those gentlemen had undergone an entire change. Generally speaking, they have done nothing, and can do nothing. All that has been effected has been done by the votes of reproached New England. I undertake to say, Sir, that if you look to the votes on any one of these measures, and strike out from the list of ayes the names of New England members, it will be found that, in every case, the South would then have voted down the West, and the measure would have failed. I do not believe any one instance can be found where this is not strictly true. I do not believe that one dollar has been expended for these purposes beyond the mountains, which could have been obtained without cordial coöperation and support from New England.

Sir, I put the question to the West itself. Let gentlemen who have sat here ten years come forth and declare, by what

aids, and by whose votes, they have succeeded, in measures deemed of essential importance to their part of the country. To all men of sense and candor, in or out of Congress, who have any knowledge upon the subject, New England may appeal for refutation of the reproach it is now attempted to cast upon her in this respect.

I take the liberty to repeat, that I make no claim on behalf of New England, or on account of that which I have now stated. She does not profess to have acted out of favor; for it would not become her so to have acted. She asks for no especial thanks; but, in the consciousness of having done her duty in these things uprightly and honestly, and with a fair and liberal spirit, be assured she will repel, whenever she thinks the occasion calls for it, an unjust and groundless imputation of partiality and selfishness.

The gentleman alluded to a report of the late Secretary of the Treasury, which, according to his reading or construction of it, recommended what he calls the tariff policy, or a branch of that policy; that is, the restraining of emigration to the West, for the purpose of keeping hands at home to carry on manufactures. I think, Sir, that the gentleman misapprehended the meaning of the Secretary, in the interpretation given to his remarks. I understand him only as saying, that, since the low price of lands at the West acts as a constant and standing bounty to agriculture, it is, on that account, the more reasonable to provide encouragement for manufactures. But, Sir, even if the Secretary's observation were to be understood as the gentleman understands it, it would not be a sentiment borrowed from any New England source. Whether it be right or wrong, it does not originate in that quarter.

In the course of these remarks, Mr. President, I have spoken of the supposed desire, on the part of the Atlantic States, to check, or at least not to hasten, Western emigration, as a narrow policy. Perhaps I ought to have qualified the expression; because, Sir, I am now about to quote the opinion of one to whom I would impute nothing narrow. I am about to refer you to the language of a gentleman of much and deserved distinction, a member of the other House, and occupying a prominent situation there. The gentleman, Sir, is from South Carolina. In 1825, a debate arose in the House of Rep-

resentatives on the subject of the Western Road. It happened to me to take some part in the debate; I was answered by the honorable gentleman to whom I allude, and I replied. May I be pardoned, Sir, if I read a part of this debate? —

"The gentleman from Massachusetts has urged," said Mr. McDuffie, "as one leading reason why the government should make roads to the West, that these roads have a tendency to settle the public lands; that they increase the inducements to settlement, and that this is a national object. Sir, I differ entirely from his views on the subject. I think that the public lands are settling quite fast enough; that our people need no stimulus to urge them thither, but want rather a check, at least on that artificial tendency to Western settlement which we have created by our own laws.

"The gentleman says, that the great object of government with respect to those lands is, not to make them a source of revenue, but to get them settled. What would have been thought of this argument in the old thirteen States? It amounts to this, that those States are to offer a bonus of their own impoverishment, to create a vortex to swallow up our floating population. Look, Sir, at the present aspect of the Southern States. In no part of Europe will you see the same indications of decay. Deserted villages, houses falling to ruin, impoverished lands thrown out of cultivation. Sir, I believe that, if the public lands had never been sold, the aggregate amount of the national wealth would have been greater at this moment. Our population, if concentrated in the old States, and not ground down by tariffs, would have been more prosperous and wealthy. But every inducement has been held out to them to settle in the West, until our population has become sparse, and then the effects of this sparseness are now to be counteracted by another artificial system. Sir, I say if there is any object worthy the attention of this government, it is a plan which shall limit the sale of the public lands. If those lands were sold according to their real value, be it so. But while the government continues as it does to give them away, they will draw the population of the older States, and still further increase the effect which is already distressingly felt, and which must go to diminish the value of all those States possess. And this, Sir, is held out to us as a motive for granting the present appropriation. I would not, indeed, prevent the formation of roads on these considerations, but I certainly would not encourage it. Sir, there is an additional item in the account of the benefits which this government has conferred on the Western States. It is the sale of the public lands at the minimum price. At this moment we are selling to the people of the West, lands, at one dollar and twenty-five cents, which are worth fifteen dollars, and which would sell at that price if the markets were not glutted."

Mr. Webster observed, in reply, that

"The gentleman from South Carolina had mistaken him, if he supposed that it was his wish so to hasten the sales of the public lands, as to throw them into the hands of purchasers who would sell again. His idea only went as far as this: that the price should be fixed so low as not to prevent the settlement of the lands, yet not so low as to allow speculators to purchase. Mr. Webster observed, that he could not at all concur with the gentleman from South Carolina, in wishing to restrain the laboring classes of population in the Eastern States from going to any part of our territory where they could better their condition; nor did he suppose that such an idea was anywhere entertained. The observations of the gentleman had opened to him new views of policy on this subject, and he thought he now could perceive why some of our States continued to have such bad roads; it must be for the purpose of preventing people from going out of them. The gentleman from South Carolina supposes, that, if our population had been confined to the old thirteen States, the aggregate wealth of the country would have been greater than it now is. But, Sir, it is an error, that the increase of the aggregate of the national wealth is the object chiefly to be pursued by government. The distribution of the national wealth is an object quite as important as its increase. He was not surprised that the old States not increasing in population so fast as was expected, (for he believed nothing like a decrease was pretended,) should be an idea by no means agreeable to gentlemen from those States. We are all reluctant to submit to the loss of relative importance; but this was nothing more than the natural condition of a country densely peopled in one part, and possessing in another a vast tract of unsettled lands. The plan of the gentleman went to reverse the order of nature, vainly expecting to retain men within a small and comparatively unproductive territory, 'who have all the world before them where to choose.' For his own part, he was in favor of letting population take its own course; he should experience no feeling of mortification if any of his constituents liked better to settle on the Kansas or Arkansas, or elsewhere within our territory; let them go, and be happier if they could. The gentleman says, our aggregate of wealth would have been greater if our population had been restrained within the limits of the old States; but does he not consider population to be wealth? And has not this been increased by the settlement of a new and fertile country? Such a country presents the most alluring of all prospects to a young and laboring man; it gives him a freehold, it offers to him weight and respectability in society; and above all, it presents to him a prospect of a permanent provision for his children. Sir, these are inducements which never were resisted, and never

will be; and, were the whole extent of country filled with population up to the Rocky Mountains, these inducements would carry that population forward to the shores of the Pacific Ocean. Sir, it is in vain to talk; individuals will seek their own good, and not any artificial aggregate of the national wealth. A young enterprising and hardy agriculturist can conceive of nothing better to him than plenty of good, cheap land."

Sir, with the reading of these extracts I leave the subject. The Senate will bear me witness that I am not accustomed to allude to local opinions, nor to compare or contrast different portions of the country. I have often suffered things to pass without any observation, which I might properly enough have considered as deserving remark. But I have felt it my duty, on this occasion, to vindicate the State I represent from charges and imputations on her public character and conduct, which I know to be undeserved and unfounded. If advanced elsewhere, they might be passed, perhaps, without notice. But whatever is said here is supposed to be entitled to public regard, and to deserve public attention; it derives importance and dignity from the place where it is uttered. As a true representative of the State which has sent me here, it is my duty, and a duty which I shall fulfil, to place her history and her conduct, her honor and her character, in their just and proper light, so often as I think an attack is made upon her, so respectable as to deserve to be repelled.

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